

CHAPTER 6. DEVELOPMENT STANDARDS

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Chapter 6 – Development Standards

6.1 PURPOSE AND INTENT

The general intent of this section is to provide standards for development to help ensure the safe and convenient development of land on sites and in locations adequate for the uses proposed. No Zoning Compliance Permit or Certificate of Occupancy shall be issued for uses of land, structures and/or buildings, or for a change in the use, unless the requirements of this Chapter are met. The standards set forth in this section are to be used in conjunction with the other sections of this Ordinance in the development of projects and submittal of site plans.

6.2 DESIGN STANDARDS MANUAL

The Town of Wallace's Design Manual provides design standards additional to the requirements of this Ordinance and tailored specific to overlay districts. This Manual is intended to supplement, and not as a substitute for, this Ordinance.

6.3 GENERAL DIMENSIONAL STANDARDS

The following section includes dimensional standards for both residential and non-residential zoning districts. These general dimensional standards apply to all properties unless otherwise specified in this Ordinance or by the permit-issuing authority.

There Are Two Tables In This Section:

1. *Table 6.3.1: DIMENSIONAL REQUIREMENTS FOR ALL ZONING DISTRICTS* includes a summary table that specifies the area, maximum height, and yard setbacks for each of the respective types of residential and non-residential zoning districts
2. *Table 6.3.2: SIDE AND REAR SETBACK FOR LOTS ABUTTING A DIFFERENT ZONING DISTRICT* includes a summary table that specifies yard setbacks for lots when the adjacent property is of a different zoning district.

6.3.1 TABLE: DIMENSIONAL REQUIREMENTS FOR ALL ZONING DISTRICTS											
	R-6	R6-MH	R-8	R-10	R-15	R-20MH	RA-20	CB	HB	NB	I
Minimum Lot Area (sf)	6,000	6,000	8,000	10,000	15,000	20,000	20,000	None	10,000	10,000	45,000
Minimum Lot Width	60	60	80	75	100	100	100	0	75	75	200
Minimum Side Yard Width	12	12	15	15	15	20	20	0*	15*	15*	50*
Minimum Rear Yard Width	20	20	20	20	20	30	30	0*	20*	20*	50*
Minimum Front Setback	25	25	30	30	30	40	40	0	40	35	40
Maximum Building Height	35	35	35	35	35	45	45	50	40	35	65
* Refer to Table 6.3.2 – If Abutting a Different Zoning District											

6.3.2 Table: SIDE AND REAR SETBACKS FOR LOTS ABUTTING A DIFFERENT ZONING DISTRICT							
Adjacent → Proposed	R-20	RA-20	R-15	R-10	R-8	R-6	R-6 MH
NB	15	15	15	15	15	15	15
CB	20	20	20	20	20	20	20
HB	30	30	20	20	20	20	20
I	75	75	75	75	75	75	75

- A. Bona fide farm operations in the AR district are exempt from the side yard and rear yard setback requirements provided (a) the bona fide farm is a lot or parcel located outside the corporate limits of Wallace (i.e., is in the extraterritorial zoning jurisdiction, and (b) the lot line with respect to which the setback exemption is sought lies adjacent to other property zoned AR or to property outside Wallace's zoning jurisdiction.

6.4 AIR POLLUTION

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating air pollution and contaminants in order to provide clean air. Any permitted principal use, Special Use, or accessory use that emits any "air contaminant" as defined in N.C. Gen. Stat. § 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.

B. STANDARDS AND REQUIREMENTS

No Zoning Compliance Permit shall be issued with respect to any development emitting an "air contaminant" until the NC Department of Environment and Natural Resources, Division of Air Quality, has certified to the Planning Director that the appropriate State permits have been received by the applicant (as provided in G.S. 143-215.108) or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution control regulations. If a State permit is required, but has not yet been approved at the time the Town is about to issue a Zoning Compliance, the Town's Zoning Compliance shall be issued subject to a condition that no CO may be issued until the State permit has been issued.

6.5 BUFFERS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the spacing of adjacent land uses. Buffers are required where differences in adjacent zoning designations suggest that spatial separation is necessary to offset potential adverse impacts of adjacent uses. Screening requirements to mitigate the impacts of specific activities like parking or solid waste storage are addressed in *Section 6.16, SCREENING*.

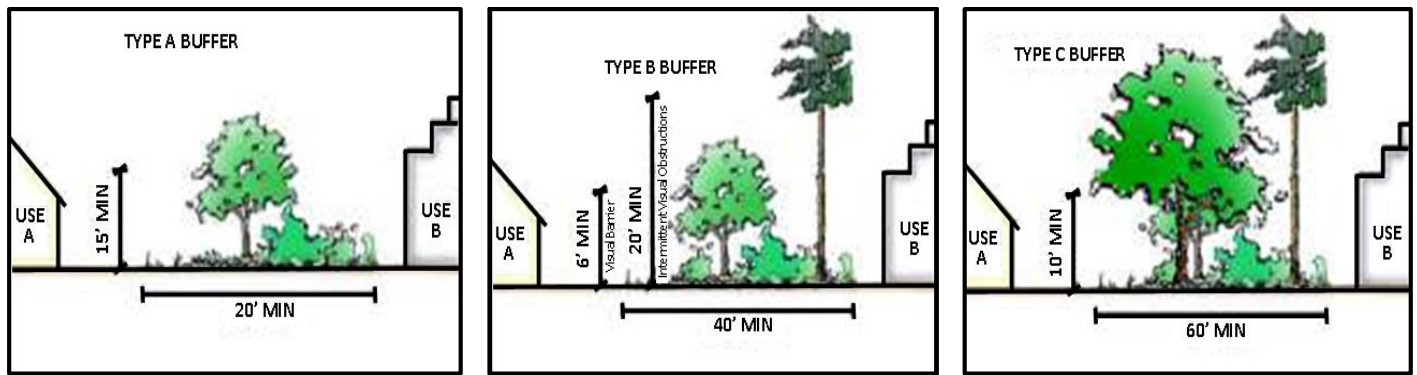
B. APPLICABILITY

Buffers will be required consistent with *Figure 6-1, TYPES OF BUFFERS* and *Figure 6-2, REQUIRED BUFFER PLACEMENT* and *Section 6.5(D), REQUIREMENTS*. Buffers will generally be established at the earliest review phase, but may be amended at the time of an individual parcel development if the circumstances have changed.

C. BUFFER TYPES

1. Type A buffers shall be a minimum of 20 feet wide and shall provide intermittent visual obstructions from the ground to a height of at least 15 feet. Plant material, sizes, and planting pattern options are included in the Administrative Manual.
2. Type B buffers shall be a minimum of 40 feet wide and shall provide a visual barrier from the ground to a height of 6 feet and intermittent visual obstructions to a height of at least 20 feet. The 6 foot portion of the barrier is not required to be 100% opaque year round, but shall provide significant visual separation between the adjoining uses and shall deter pedestrian access. Plant material, sizes, and planting pattern options are included in the Administrative Manual.
3. Type C buffers shall be a minimum of 60 feet wide and shall provide complete visual separation from the ground to a height of 10 feet upon plant maturity, shall be opaque year round, and shall deter pedestrian access. Plant material, sizes, and planting pattern options are included in the Administrative Manual.

Figure 6-1: TYPES OF BUFFERS



D. REQUIREMENTS

1. Buffers shall be provided as set forth in *Table 6.5.1, REQUIRED BUFFERS*. The permit-issuing authority may require a greater or lesser buffer type or include supplemental standards if during the review of the application a different standard is clearly indicated.
2. When the parcel adjacent to the parcel being developed is vacant, the permit-issuing authority may reduce the buffer by 50% if the current zoning or future land use designation on the adjacent vacant parcel indicates that a similar buffer would be required on the adjacent vacant parcel when it develops.
3. When a parcel zoned for residential use is to be developed adjacent to an Interstate or railroad right of way, a 100 foot undisturbed buffer shall be provided along the adjacent property line, regardless of the requirement in *Table 6.5.1, REQUIRED BUFFERS*. This buffer shall be planted to meet the standard of a Type C buffer if the existing vegetation does not meet that standard.
4. When a non-residential parcel is adjacent to a street classified as arterial or collector, no buffer shall be required along the street frontage, regardless of the requirement in *Table 6.5.1, REQUIRED BUFFERS*, unless modified by the permit-issuing authority.

E. OPTIONS

1. The permit-issuing authority may consider buffers that include a combination of existing plant material, newly planted material, constructed walls or fences, berms, and grade changes in cases where the applicant can demonstrate that the proposed alternative buffer will be at least as effective as the type buffer required.
2. The Administrative Manual provides drawings and examples to guide staff in determining the sufficiency of existing landscaping.

F. OWNERSHIP OF BUFFERS

1. No required buffer in a residential development shall be included within any single family lot, or be wholly owned (in fee simple absolute) by the owner of an individual residential building lot zoned for residential uses. Buffers in residential developments shall be owned by a homeowner's association or other entity charged with its preservation and the preservation of existing landscaping.
2. The required buffer for a non-residential, multi-family or mixed use site may be owned by a property owner's association or by the property owner.

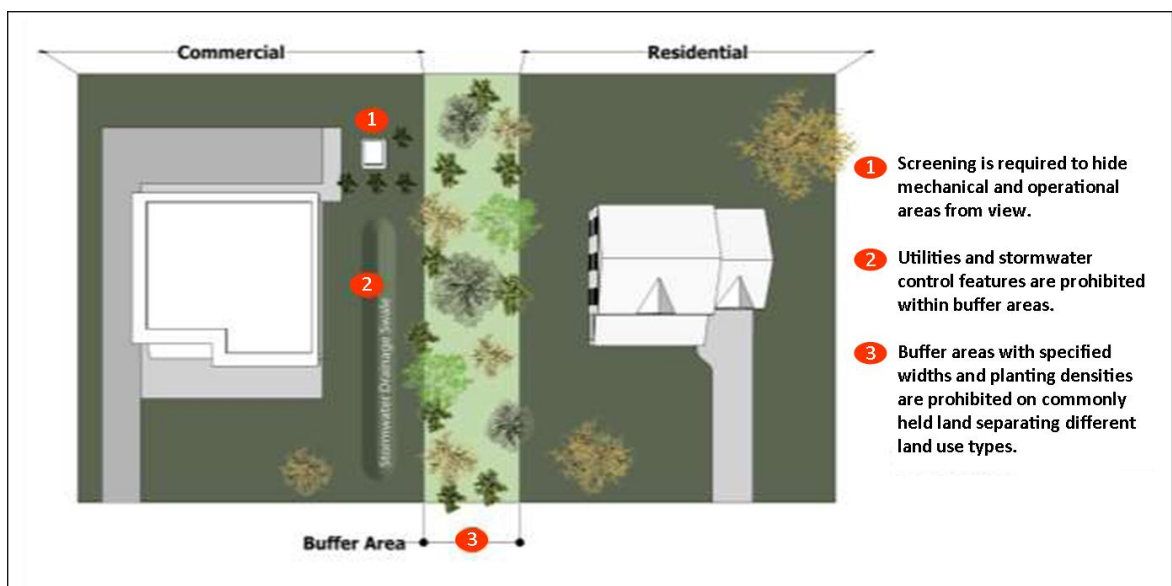
G. DEVELOPMENT WITHIN REQUIRED BUFFER

1. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted by this Ordinance.
2. No grading, development, or land-disturbing activities shall occur within the buffer or within the tree protection area unless approved by the permit issuing authority.
3. Sidewalks, walkways, trails and fences may be placed in buffers provided that damage to existing vegetation is minimized.
4. Utilities are not permitted in buffers unless no reasonable alternative exists.
5. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area. Utility lines may not run parallel to and within required buffers, but may cross required buffers as near to perpendicular an angle as possible, and in any event at no less than a 60° angle. If utilities, stormwater drainage channels or piping, and other similar features are placed in a buffer any way other than perpendicular or not less than at a 60 degree angle, the area making up the utility easement or area shall be replaced with an equal amount of buffer area. No canopy trees may be removed for utility installation unless no reasonable alternative exists.
6. Stormwater BMPs and impoundments may be placed within a required buffer only when the applicant demonstrates that no reasonably practicable alternative exists, and provided that the performance standard of the buffer can be maintained. Bioretention areas may be placed within buffers without additional justification provided the performance standard of the buffer is maintained.

H. MAINTENANCE OF BUFFERS

1. Where a buffer is owned by a property owners association, the covenants for the development shall require that association to maintain the buffers and shall include a buffer maintenance plan.
2. For parcels that contain a buffer as part of a permit requirement, the property owner shall maintain the buffer. The site will be inspected at the end of the second growing season following permit issuance for compliance and during any subsequent development review to ensure continued compliance.

Figure 6-2: REQUIRED BUFFER PLACEMENT



6.5.1 Table: REQUIRED BUFFERS

Applicant Zoning ↓	Adjacent Zoning										
	RA-20	R-20 MH	R-15	R-10	R-8	R-6	R-6 MH	NB	CB	HB	I
RA-20								A		A	C
R-20 MH								A		A	C
R-15								A		A	C
R-10								A		A	C
R-8								A		A	C
R-6								A		A	C
R-6 MH								A		A	C
NB	A	A	A	A	A	A	A				
CB	A	A	A	A	A	A	A				
HB	B	B	B	B	B	B	B				A
I	C	C	B	B	B	B	B	B	B	B	

6.6 CREATION OF NEW BUILDING LOTS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the creation of new building lots in order to protect and preserve the appearance, character, and value of adjacent properties.

B. APPLICABILITY

All new residential and non-residential lots must meet the following requirements.

C. NEW LOT REQUIREMENTS

1. New lots shall generally have four sides and generally not have more than 8 sides to facilitate the enforcement of setback requirements and ensure that each lot is generally usable for its intended building proposed, unless existing topographic or natural features such as a stream or ridgeline acts as a boundary.
2. New building lots shall not have appendages less than twenty (20) feet in width and more than twenty (20) feet in length created to provide street access or to enable the lot to meet minimum lot size or frontage requirements.
3. Lots in residential zoning districts must have at least thirty (30) feet of frontage on a public or private street the lot uses for access.
4. Unless otherwise approved by the permit issuing authority, all lots shall meet the lot width requirement specified in *Section 6.3, GENERAL DIMENSIONAL STANDARDS* at the front setback line. The permit issuing authority may waive this requirement during review of a Special Use Permit for a development after consideration of lot depth, lot width, general usability of the building envelop on the parcel, and compatibility of the proposed lots with existing and proposed neighboring lots.

D. USABILITY OF LOTS

1. New lots created for building purposes must contain a buildable area at least 10 feet wide and at least 10 feet deep after application of setbacks requirements.
2. No new lot shall be created for building purposes that contains an area wholly within the required setbacks of opposing lot sides.

E. DIVERSITY IN SINGLE FAMILY DETACHED HOME NEIGHBORHOODS

In an effort to prevent monotonous and sterile built environments in areas containing single family detached dwellings, and to mimic the diverse character of many residential neighborhoods in the planning jurisdiction, variability of lot widths and lot sizes within new developments is encouraged.

1. Single family detached home developments containing 20 or more lots must have at least 3 different lot widths on each straight street section (may be multiple blocks) longer than 400 feet. Contiguous lot widths must vary by at least 10 feet to meet this standard.
2. Single family detached home developments containing 20 or more lots may provide an equal number of lots 10% smaller than the minimum lot size for each lot proposed that is 30% or more larger than the minimum lot size.
3. Single family detached home developments requiring a Special Use Permit may include lots up to 10' narrower than the district minimum standard and/or 10% smaller than the district minimum standard to meet the diversity standard established above and to maximize lot diversity, provided, however, that the average lot width and acreage lot area in the development must meet the district minimum standards.

6.7 DESIGN REQUIREMENTS FOR ALL NEW NON-RESIDENTIAL BUILDINGS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the appearance of non-residential construction in order to protect and preserve the appearance, character, and value of adjacent properties. Where existing conditions such as limited visibility of the building or features make satisfying these requirements unnecessary or non-compliance with the design requirements achieves another town goal, the permit-issuing authority may modify the requirements based on competent evidence provided by the applicant to establish that alternatives provided by the applicant will satisfy the purpose and intent of the design requirements, and will protect the use, enjoyment and value of adjoining properties.

B. APPLICABILITY

All new non-residential buildings must meet the following general principles.

C. ARTICULATION

1. The facade shall be articulated with design features or employ a level of architectural detailing sufficient to ensure visual interest and promote pedestrian scale
2. Design elements such as windows, columns, or bay spacing shall be kept as consistent as possible along the front façade
3. Building mass shall be articulated as individual vertical bays
4. Architectural features such as recesses and projections, door and window rhythm, columns, piers, varied rooflines, and brick patterns shall be used to divide and create vertical orientation

5. Horizontal design elements such as large fascias or banding designs are discouraged and shall be balanced with vertical elements
6. The proportion of structural elements such as posts and columns shall be appropriately scaled to the weight they appear to be carrying.

D. AWNINGS

1. The use of fabric awnings is encouraged for facades with retail display windows and other façade glass. Awnings constructed of material more substantial than fabric, or integrated into the building structure, are permitted only to protect customer access via a porte cochere.

E. BUILDING MASS

1. The majority of the building mass shall be placed close to the front property line to help define the street edge
2. On corner lots the building mass shall be placed as near to the intersection as possible to anchor the lot

F. DRIVE-THROUGH WINDOWS, CANOPIES, AND PORTE COCHERES

1. Drive-through windows, canopies, and porte cocheres shall be located on the side or rear of the building.
2. Drive-through windows, canopies, and porte cocheres shall be designed to be an integral part of the building architecture.

G. FAÇADE/ STREET EDGE

1. The front facade shall be oriented toward the street.
2. The exposure of the front façade shall be maximized by placing as much of the building width as possible at the front of the lot.
3. The front façade shall be integrated with the overall building architecture.
4. The tallest façade of the building shall be oriented toward the same street that the primary entrance faces.
5. False facades and similar applied designs are prohibited.
6. The first floor shall be architecturally differentiated from upper floors.
7. The use of porches, colonnades, canopies, or awnings on the front façade is encouraged.
8. The “street-edge” shall be reinforced by aligning the building façade with neighboring buildings which are close to the front setback line. Landscaping can also be used to reinforce this line.

H. FENESTRATION

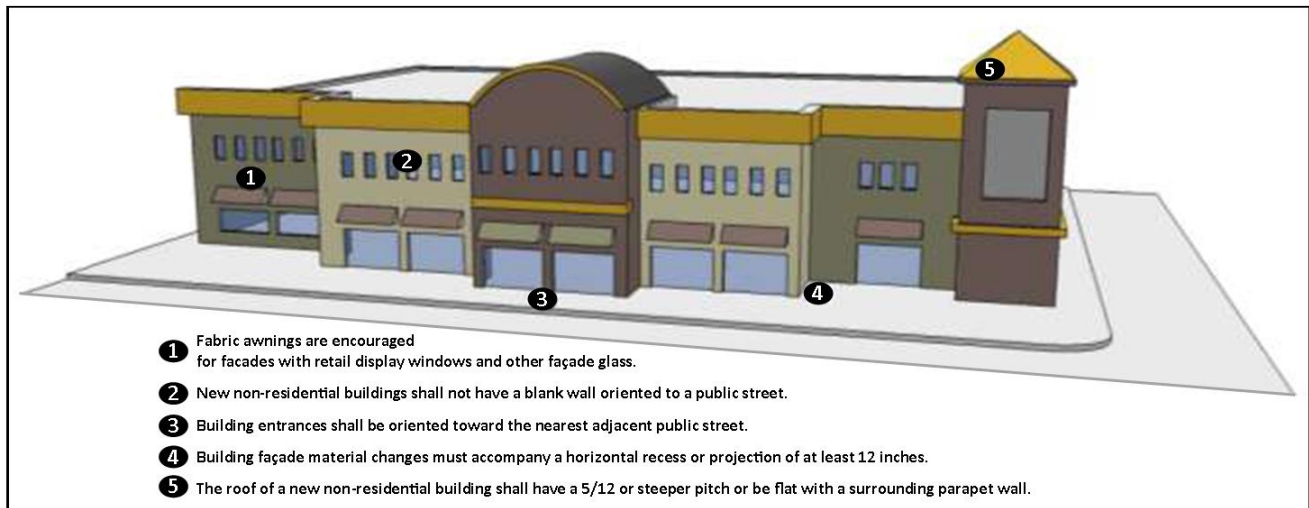
1. New non-residential buildings shall not have a blank wall oriented to a public street.
2. Openings such as windows and doors shall account for a minimum 50% on the pedestrian side of the ground floor and 30% of the pedestrian side on the upper floors.
3. Street level glazing shall be visually transparent, although UV coatings are permitted.
4. Reflective glass is prohibited on street level windows.

5. Windows shall have vertical orientation and have a minimum ratio of 1:2 except where storefront sheet glass or picture windows are employed.
6. Faux windows are prohibited.
7. Larger scale design features such as garage doors shall be placed at the side or rear of the facility
8. The use of operable windows on upper floors of attached residential and office uses is encouraged.

I. MATERIALS

1. Changes of building materials shall occur at a change of plane, such as a recess, projection or an inside corner.
2. Structures shall not have material changes at their outside corners.
3. Primary building materials shall consist of wood, masonry, concrete, glass, or stone.
4. Materials shall be kept consistent across the façade, unless material changes are employed to enhance individual bays and occur at a change of plane.
5. When multiple materials are used on a façade, one material should be used as the dominant theme with the others acting only to compliment or accentuate the design.

Figure 6-3: NON-RESIDENTIAL DESIGN STANDARDS



J. ORIENTATION/ENTRANCE LOCATION

1. All new primary buildings shall have entrances oriented toward, and be accessible from the nearest public street.
2. Primary building entrances shall be clearly defined and articulated.
3. Primary building entrances shall be (a) placed at the front of the building facing the front lot line and (b) clearly identifiable from the street.
4. If it is not feasible to place the building entry directly on the front façade, the entry shall be placed where it is readily visible and faces the main road or internal street.
5. Pedestrian access to buildings shall be provided from the street and from parking areas.

6. Entries from parking areas shall be secondary in articulation and nature, relative to street entrances.

7. An entry shall be placed at least every 150 feet along the front façade.

K. ROOF PITCH

1. Flat roofs shall be capped by an articulated parapet wall.

2. Sloped roof structures must maintain a pitch between 5:12 minimum and 12:12 maximum on all primary roof areas (Not including dormers, entry canopies, or similar elements)

3. Buildings with sloped roofs shall have roof overhangs between 6" and 18" deep.

4. The use of dormers and gables is encouraged on the front of buildings with sloped roofs.

L. STORAGE AND OUTBUILDINGS

1. Storage buildings and outbuildings shall be located behind the primary building.

2. Storage buildings and outbuildings shall be architecturally compatible with the primary building.

M. TRANSPARENCY

1. Glass that is installed on the first floor of the front façade of new buildings, within which the first floor occupants are intended to be retail, restaurant or service business, will be transparent with low reflectivity.

N. MOBILE OFFICES

1. No mobile home, travel trailer or other mobile style structure shall be used as an office or in any manner for business or commercial purposes, except when used for temporary purposes, such as construction offices and must be removed within 72 hours after job completion.

6.8 DESIGN REQUIREMENTS FOR ALL NEW RESIDENTIAL BUILDINGS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the appearance of residential construction in order to protect and preserve the appearance, character, and value of adjacent properties. Where existing conditions such as limited visibility of the building or features make satisfying these requirements unnecessary or non-compliance with the design requirements achieves another town goal, the permit-issuing authority may modify the requirements based on competent evidence provided by the applicant to establish that alternatives provided by the applicant will satisfy the purpose and intent of the design requirements, and will protect the use, enjoyment and value of adjoining properties.

B. APPLICABILITY

All new single family detached dwellings in residential developments requiring a Special Use Permit must meet the following general principles.

C. ENTRANCES

The front door shall face the front of the lot.

D. GARAGES, CARPORTS, AND ACCESSORY STRUCTURES

1. Garage, carport, and other accessory structure entries shall not be located closer to the front lot line than the façade wall which contains the front door.

2. Garages, carports, and accessory structures shall not exceed 40% of the primary structure's building footprint.

3. Garages, carports, and accessory structures shall not be greater in height than the primary structure.
4. Garages, carports, and accessory buildings shall not exceed fifty percent (50%) of the width of the front facade of the primary structure.
5. Detached garages are encouraged.

E. VARIATION

Variation of exterior building materials and exterior façade arrangements from house to house is encouraged to allow easy identification of houses from the street. Excessive variation of façade planes, roof pitches, and building materials on an individual structure is discouraged.

6.9 DRIVEWAY CONNECTIONS

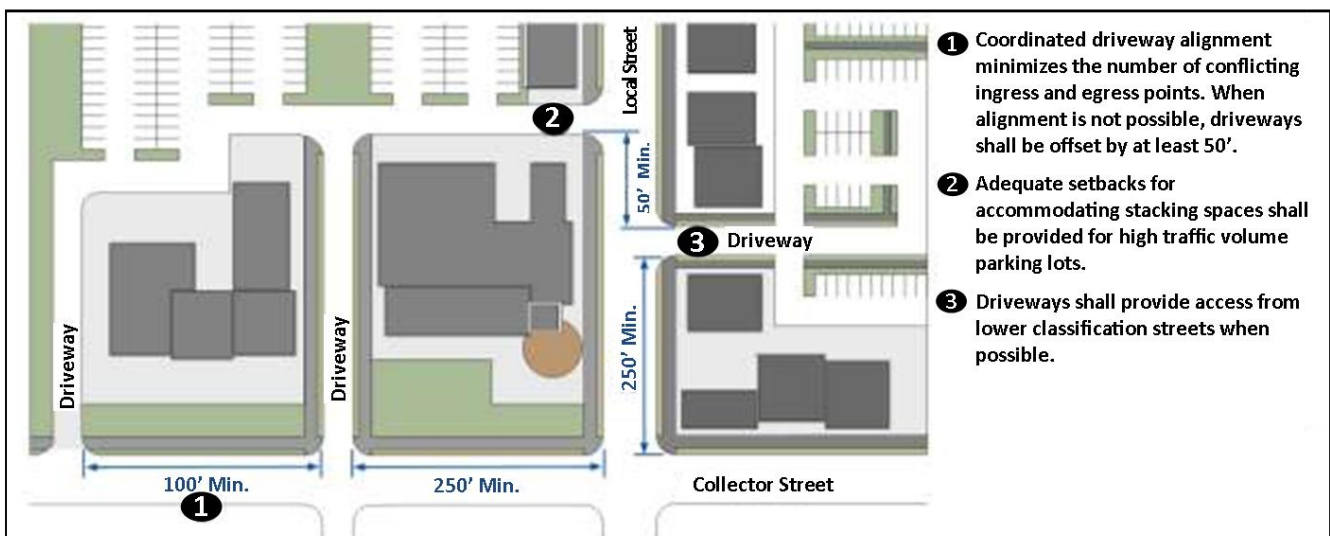
A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring that driveways shall be designed and located so as to minimize the number of conflict points among vehicular movements, to coordinate the location and the alignment of major driveway connections (ingress to or egress from heavy traffic generators such as shopping centers and supermarkets) and roadway intersections on opposite sides of the intersected street, to discourage dangerous vehicular movements, to minimize conflicts with pedestrian traffic, to avoid driveway connections at locations where adequate, safe sight distances cannot be provided, and to ensure driveway connections are designed to accommodate storm water runoff. The use of cross access easements connecting independent, adjacent developments is encouraged, so as to reduce the number of driveway curb cuts to the public right-of-way.

B. APPLICABILITY

These requirements shall apply to all development types, except one and two-family dwellings.

Figure 6-4: DRIVEWAY CONNECTIONS



C. DRIVEWAY REQUIREMENTS

1. No driveway shall be located within two hundred fifty (250) feet of the intersection of a public street with an arterial or collector street unless no other site access is legally practicable.
2. No drive shall be located closer than twenty-five (25) feet to the right-of-way of any local street intersection. At intersections with traffic signals, the Planning Director shall specify distances from the right-of-way to allow for sufficient stacking of vehicles in the street prior to the driveway location.

3. When access is available to a lot from streets of different classifications (e.g., arterial, collector, sub-collector), the driveway will be located so as to provide access to the lot from the street with the lower classification.
4. In parking lots where large hourly volumes of entering traffic may be expected, the developer shall provide a setback between pavement edge of the public roadway and the edge of proposed internal drives to accommodate stacking within the parking lot. This setback shall be determined by the Planning Director based on standards required by NCDOT, the Institute of Traffic Engineers, or other recognized standard.
5. On curb and gutter streets, the North Carolina Department of Transportation standard concrete driveway ramp shall be used. The Planning Director may allow street type driveway entrances for high volume traffic uses.
6. Driveway connections shall be designed to accommodate stormwater to ensure that gravel does not wash into the public street. Connections which are above the grade of the existing street shall be graded so that drainage is directed into ditches designed to accommodate the drainage, or into the street gutters. The driveway shall be at the same elevation as the existing street across the width of the street right-of-way. If gravel or other materials wash onto the public street, the property owner shall be responsible to remove the material and establish safe conditions.
7. Driveways shall be a minimum of one hundred feet (100') apart when access is to a collector or arterial street.
8. Driveways shall be clearly defined with the use of curbs and/or landscaping.
9. Driveways on opposite sides of the street shall either be offset by at least fifty feet (50') or aligned, unless such standards cannot be met for safety reasons.

6.10 LANDSCAPING (PARKING LOT)

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the landscaping of parking areas in order to reduce radiant heat from surfaces, reduce glare of automobile lights, minimize stormwater and drainage problems, and protect and preserve the appearance, character, and value of adjacent properties. Where existing conditions such as topography, structures, or other existing features make satisfying these requirements impractical, the permit-issuing authority may modify the requirements based on competent evidence provided by the applicant to establish that alternatives provided by the applicant will satisfy the purpose and intent of the buffer and landscape requirements, and will protect the use, enjoyment and value of adjoining properties.

B. APPLICABILITY

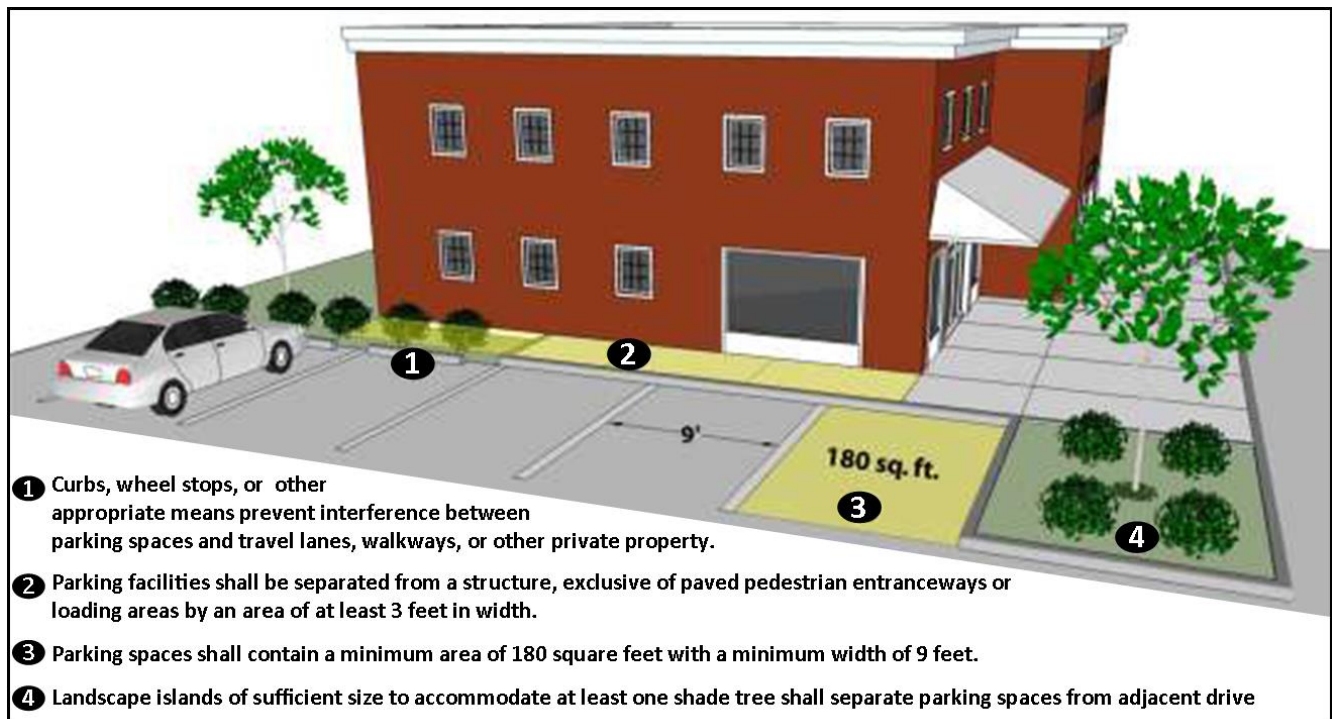
These requirements shall apply to all development types with the exception of one and two family dwellings.

C. LANDSCAPING REQUIREMENTS

1. Parking lots shall contain at least 1 shade tree for every seven parking spaces required for the site. These trees shall be located a sufficient distance from existing overhead utility lines to ensure the health and growth of the tree.
2. Trees shall be evenly distributed throughout the parking areas and parking perimeter at the required ratio.
3. No more than 14 continuous parking spaces shall be allowed without a minimum of 1 landscape island containing a shade tree.

4. All planting medians or islands in parking lots shall be at least 100 square feet measured from back of curb to back of curb (or pavement edge if the island is not curbed for stormwater purposes). When an island contains one or more shade trees, the island must have at least 300 square feet of unpaved space per shade tree.
5. Linear planting strips between the lengths of parking isles are encouraged rather than numerous small tree islands. If a linear strip is used, 15 shrubs (no taller than 3 feet at maturity) per 100 feet of planting strip must be planted in addition to the required trees.
6. A minimum 10 foot wide continuous planted median shall be installed in off-street parking areas for every 2 double loaded parking bays exceeding 122 feet in length. Alternative landscaping layouts and arrangements which similarly visually break up large parking areas will be considered by the permit issuing authority.
7. Parking facilities, unless located on or within a structure, shall be separated from the exterior wall of a structure by a landscaped area at least five (5) feet in width;
8. Ground level parking facilities and the ground level of multi-level parking structures shall be screened from adjacent residential areas and streets by means of opaque landscaping, fencing, or grade change of at least three (3) feet in height above the grade of the edge of the parking area;
9. In meeting these standards, the retention of existing significant vegetation shall be encouraged. The site plan submitted shall locate and identify all existing and proposed trees and shrubs used for parking standards.
10. Landscaping and walkways shall be installed to indicate the preferred travel pattern for pedestrians.
11. Landscaping shall be protected from damage by motor vehicles.
12. The permit issuing authority may modify requirements of this section based on the specific needs of the location as long as they are consistent with the regulations set forth in this section.

Figure 6-5: LANDSCAPING (PARKING LOT)



6.11 LIGHTING

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by establishing criteria and standards for providing uniform lighting in outdoor public places where safety and security are concerns, protecting drivers and pedestrians from disabling glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe traverse, protecting neighbors from nuisance glare from poorly aimed or inadequately shielded light sources, and providing lighting which is efficient and compatible with surrounding uses and structures.

B. APPLICABILITY

Lighting plans shall demonstrate that sufficient light will be available to provide security for property and people using public facilities and common areas after dark. This includes, but is not limited to, roads, driveways, walkways, bikeways, parking lots, and recreational areas. Lighting plans will be reviewed as part of the review process for all permit applications. Modifications to approved or existing lighting shall be submitted to the Planning Director for review and compliance with applicable requirements.

C. LIGHTING REQUIREMENTS

Lighting plans shall include a layout of proposed fixture locations (including wall mounted lights, ground mounted lights, and illuminated signs), foot candle data that demonstrate conforming intensities and uniformities; and a description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, hours of operation, and maintenance methods proposed. Illumination intensities (lighting contours) may be shown on an independent plan or integrated with other required plans

D. MINIMUM LIGHT LEVELS

1. Parking areas, whether surface or in a structure, shall have a minimum light intensity of 1.0 footcandles.
2. Interior sidewalks, those sidewalks that connect buildings to parking areas, common areas, of facilities within a development that are likely to be used at night, shall have a minimum light intensity of 0.5 footcandles.
3. Minimum lighting levels in this subsection are not required to be met by nonresidential uses during non-business hours.

E. MAXIMUM LIGHT LEVELS

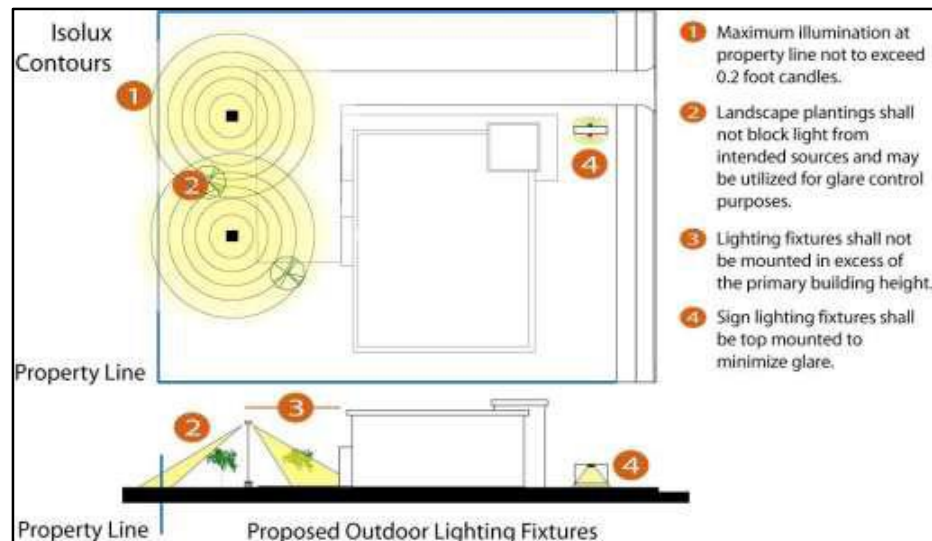
1. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the light source's property line shall not exceed two tenths (0.2) foot candle measured at ground level.
2. Light intensities shall not exceed fifteen (15) foot-candles at any location on the site to limit glare and blinding caused by significant light variations across a site. The permit issuing authority may consider an applicant's unique situations and use requirements during the development review and may allow greater intensities within the site.

F. INSTALLATION

1. Lighting fixtures height shall not exceed the lesser of the maximum permitted building height for the district, or the maximum height of the main portion of the primary building on the site (excluding spires, towers, parapet walls and the like) on the site. For sites where no building is proposed, mounting height for fixtures shall not exceed fifteen (15) feet for non-cutoff type fixtures or twenty-five (25) feet for cut-off type fixtures. This provision shall not apply to outdoor athletic field and outdoor performance area lighting provided the other applicable requirements of this section are met.

2. Electrical feeds to lighting standards shall be run underground, not overhead.
3. Lighting standards in parking areas shall be protected from vehicle impact with protective barriers or by location. Standards should not be placed so as to obstruct pedestrian movement along sidewalks or medians.
4. Directional lighting fixtures used for sign lighting shall be top mounted so lighting is aimed down. Ground mounted signs with a height of five (5) feet or less may be ground lit, provided that the lights are shielded so as to illuminate the sign only, and the light shall not exceed 10 foot-candles at the sign surface.
5. Fixtures shall be of the sharp cut-off type. No portion of the fixture bulb may extend below the fixture housing. Non-cutoff type fixtures may be used if approved by the permit issuing authority with good cause shown during the permit review and such fixtures meet the other standards of this section.
6. Unshielded wall fixtures shall not be used as security or general lighting adjacent to residential uses or to a public right of way.
7. Landscape plantings shall be located and maintained so that they do not block light from reaching the intended surfaces.
8. The placement of light fixtures should indicate the desired traffic flow and aid pedestrian safety, especially in areas with potential conflict between pedestrians and vehicles.

Figure 6-6: EXTERIOR LIGHTING REQUIREMENTS



G. CONTROL OF NUISANCE AND DISABLING GLARE

1. All outdoor lighting, shall be designed, installed and maintained in a manner which does not present a disabling glare hazard to drivers or pedestrians; and all reasonable means shall be taken to prevent projection of nuisance glare onto neighboring properties or into the night sky.
2. Lighting for sports and athletic fields must include glare control features and must be designed so that primary illumination is directed onto the play area and ancillary areas such as bleachers, stands, and similar areas. All lighting fixtures for sports fields must be equipped with a glare control package including louvers, shields, or similar devices. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

3. Non-security lighting shall be extinguished when the operation is closed or not in use. In reviewing lighting plans, the permit issuing authority may consider the impact of lighting on neighboring properties based on stated hours of operation, topographical differences across sites, and other considerations.
4. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment and shielding. Only after those means have been exhausted shall vegetation, fences, or similar buffer methods be considered for reducing glare.

H. MAINTENANCE

1. Lighting fixtures used for safety and security lighting shall be maintained in proper working order so as to always meet the requirements of this Ordinance.

6.12 MOBILE HOME PARKS

A. PURPOSE AND INTENT.

It is the intent of this section to protect and promote the public health, safety, and general welfare by regulating the creation or alteration of new and existing mobile home parks within the Town's jurisdiction to protect and preserve the appearance, character, and value of adjacent properties.

B. DESIGN STANDARDS

All new or existing mobile home parks must meet the following requirements on the park plan before a special use permit can be issued. Mobile homes within each park must conform to the standards set forth in *Section 5.2(K) DWELLING, MOBILE HOME*.

1. Every mobile home park shall be located on a tract of land not less than five (5) acres in size and shall contain at least fifteen (15) mobile home spaces, as defined in this section.
2. Every mobile home space shall consist of a minimum of 5,000 square feet. Each mobile home space shall be clearly established on the ground by permanent corner monuments or markers.
3. No more than one mobile home may be set up on any mobile home space.
4. The supports of all mobile homes parked within an authorized park shall rest upon footings which meet the state regulations for mobile homes.
 - (a) Each mobile home space shall have at least one (1) raised porch of at least fifteen (15) square feet. All and any additional porches must comply with the North Carolina State Building Code.
 - (b) A paved walkway two feet wide (minimum) leading from the road or off-street parking space to the patio shall be provided.
 - (c) Each walkway shall be graded and properly drained to prevent ponding.
5. No mobile home shall be located less than forty (40) feet from a public street right-of-way. No mobile home shall be located less than fifteen (15) feet from a private drive or from an exterior park boundary, or less than thirty (30) feet from another mobile home, a mobile home addition or any structure.
6. A driveway and parking space sufficient to accommodate at least two automobiles shall be constructed within each mobile home space and shall be paved or covered with crushed stone or other suitable material.
7. The mobile home park shall be located so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainway pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park when needed so long as the capacity of the existing system can handle the additional load.

8. Each mobile home space shall be graded to provide adequate storm drainage away from the mobile home.
9. The mobile home park shall have hard-surfaced roads and streets. Streets abutting all mobile home spaces must be lighted at night.
10. No mobile home space shall have direct vehicular access to a public street.
11. A drainage area to provide proper drainage ditches and a three to one back slope shall be provided where determined necessary by the Town Council, Public Work Director, or Planning Director. Park owners shall provide a drainage easement to the town for all drainage ditches.
12. Closed ends of dead-end streets shall be provided with an adequately paved vehicular turning circle at least 60 feet in diameter or a turning "Y" with an angle of at least 90 degrees.
13. Each mobile home space shall have adequate access, for both the mobile home and autos, with a minimum access width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.
14. When the mobile home park has more than one direct access to a public street, each street access shall not be less than 300 feet apart or less than 300 feet from a public street intersection unless topographical or site conditions demand otherwise.
15. SIGNS FOR IDENTIFICATION
 - (a) Mobile home parks shall be limited to one or not more than two signs with a total area of not more than one-half square foot for each mobile home space, and in no case larger than 50 square feet total located on the park property, but no closer than five feet to any other than front property line.
 - (b) Only indirect, non-flashing lighting may be used for illumination.
 - (c) The sign must be constructed in such a manner as to prevent a direct view of the light source from any public street right-of-way.
16. The mobile home park shall have a Type B Buffer as defined under *Section 6.5, BUFFERS*.
17. The following utility standards shall apply. In every mobile home park, all installations (other than those within the mobile home itself) of plumbing and electrical wiring and all gas appliances shall comply with the provisions of the building, plumbing, electrical, heating and gas regulations of the state, town and county.
 - (a) Utilities. All utilities shall be installed underground.
 - (b) Mobile home space utilities. Each mobile home space shall be equipped with plumbing and electrical connections.
 - (c) Water supply.
 - i. Each mobile home park shall obtain water from the town water supply when available, and when unavailable, from a source approved by the County Health Department.
 - ii. The supply shall be adequate for the park requirements.
 - iii. The drinking, cooking, laundry and general bathroom water supply for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.
 - (d) Sewage disposal.
 - i. Each mobile home park shall be provided with an adequate sewage disposal system, either by connection to a public sewage system or septic tank system approved by the County Health Department.
 - ii. All sewage wastes from each mobile home park, whether from individual mobile homes or mobile home spaces, shall be piped into the mobile home park sewage disposal system.

18. Adequate and suitable recreation areas and facilities to serve the needs of the anticipated population shall be provided and shall consist of at least the following.
 - (a) One or more play lots for preschool children, containing a minimum size and total area in the ratio shown in the table below; provided, there shall be at least one lot within 400 feet of every mobile home.
 - (b) One or more playgrounds for school-age children and adults, containing a minimum size and total area in the ratio prescribed as follows.

Table 6.12.1: MOBILE HOME PARK RECREATION AREA			
Facility	Per Mobile Home	Per 100 Mobile Homes	Minimum Size of Single Facility
Play lot	12 sq. ft.	1,200 sq. ft.	400 sq. ft.
Playground	440 sq. ft.	One acre	10,000 sq. ft.

19. The mobile home park may have a central structure containing a retail sales counter or coin-operated machines for the park residents' use only; provided, they are completely enclosed within a building and there is no exterior advertising; and, provided that, the structures shall not front on a public street.
20. All bathing and laundry facilities and toilets shall be in conformity with regulations of the County Health Department and the Town's Plumbing Code for the structures.
21. Each mobile home shall be anchored per the requirements of the NC State Building Code.

C. SPECIAL USE PERMIT; TEMPORARY OPERATING PERMIT REQUIRED.

1. It shall be unlawful for any person to maintain or operate a mobile home park within the jurisdiction of this chapter unless the person shall first obtain from the Town Council a special use permit as described in *Section 3.8, SPECIAL USE PERMIT*. The maintenance or operation of a mobile home park may be continued under a temporary operating permit, as defined in *Section 10.2, DEFINITIONS*, for a period of time and under the conditions as are prescribed in *Section 6.12(C)(4)* below.
2. The special use permit shall be issued and subsequently renewed if the Planning Board and Council find that the applicable provisions of this chapter and all town ordinances are satisfactorily complied with and, at the time of the initial special use request.
3. No special use permit shall be issued for any mobile home park not in operation upon the effective date of this chapter until the park plan has been approved by the Town Council as provided for in *Section 6.12(D), CONSTRUCTION OR ALTERATION OF PARK*.
4. A temporary operating permit shall be issued by the Council permitting a nonconforming park to be maintained and operated for a period of six months subject only to the provisions of this chapter made expressly applicable to the owner, or owners, lessee or agent.

D. CONSTRUCTION OR ALTERATION OF PARK.

1. General Provisions
 - (a) No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities required therein until he or she first secures a special use permit authorizing the construction, addition or alteration.
 - (b) The construction, addition or alteration shall be done in accordance with plans and specifications submitted with the application and approved by the proper authorities.
 - (c) Procedures for the applicant securing this permit are described in *Section 3.8, SPECIAL USE PERMIT*.
2. Before the Council shall review the special use request, a park plan, described in *Section 6.12(D)(8), Information Required for a Park Plan* below, must be submitted for review and approval by the Town Board.

- (a) No plan is required to be prepared and approved for issuance of a permit to make minor facility improvements in an existing mobile home park where the number of mobile home sites within the park is not affected.
 - (b) When no plan is required, application for a building permit may be made directly to the Building Inspector.
- 3. Five (5) copies of the park plan shall be submitted and, upon approval by the Council, each copy shall be signed by the Mayor and Town Clerk, denoting town approval. One copy shall be returned to the park owner or developer, one copy shall be submitted to the Town Manager to be held for public view, one copy shall be sent to each of the Department of Public Works and the Inspections Department, and the fifth copy shall be retained by the Council for its records.
- 4. The approved park plan becomes part of the conditions for the special use and must be constructed and maintained accordingly in order to retain the permit. The Building Inspector shall make an examination of the construction at any reasonable time to determine whether the work is being done according to approved plans and specifications. The owner shall make available any records, test data or other information essential to the determination.
- 5. When all specified improvements have been made, the Building Inspector shall issue a certificate of occupancy and the developer may begin moving in homes and begin operations.
- 6. Adherence to the operating standards prescribed in *Section 6.12(E), OPERATING STANDARDS* is another condition required for the special use permit to be renewed.
- 7. The special use permit granted to a mobile home park shall not expire. Special Use Permits may be revoked if the Town Council determines that all the conditions as required by the Special Use Permit when issued, have not been met or observed. If the permit is revoked by the Town Council, operation of the park must cease within six (6) months of the date of revocation of the Special Use Permit.
- 8. INFORMATION REQUIRED FOR PARK PLAN
 - (a) The park plan shall be drawn on reproducible sheets to a scale of not less than one inch equals 40 feet and shall show the following on one or more sheets.
 - (b) The name of the mobile home park and the names and addresses of the owner or owners and the designer of the park;
 - (c) Date, approximate north arrow and scale;
 - (d) The boundary line of the tract with accurate linear and angular dimensions drawn to scale and the area of the park in square feet or acres;
 - (e) Contours with a vertical interval of one foot referred to sea level datum and elevations of existing streets, roads, drives, walks, curbs, catch basins and the like;
 - (f) A location map with a scale no less than one inch equals 1,000 feet showing the location of the mobile home park;
 - (g) The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes and any utility easements. The Town Council or Zoning Administrator may require similar information to be shown on proposed park boundaries. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land shall also be indicated;
 - (h) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, mobile home spaces, mobile homes , parking areas and building lines within the park. In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land;

- (i) When deemed necessary by the Town Engineer, profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than one inch equals 40 feet horizontal and one inch equals four feet vertical;
- (j) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drainfields and water and storm drainage) showing feasible connections to existing and proposed utility systems to be prepared by a civil engineer or registered land surveyor;
- (k) Proposed storm drainage for each mobile home space and for the entire mobile home park including all proposed grading and sewer installations which may be deemed necessary to ensure proper drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the 100-year storm level;
- (l) Location and number of garbage receptacles;
- (m) A detailed plan for all electrical installations prepared to meet the National Electrical Code and state and local codes or ordinances;
- (n) Where public water or a public sewer is not available, a written statement from the County Health Department shall be submitted with the mobile home park plan indicating that the mobile home park has adequate land area and suitable soils and topography to accommodate the proposed methods of water supply and sewage disposal; and
- (o) A detailed drawing to a scale of not less than one inch equals five feet shall be prepared of a typical mobile home space showing the location of the mobile home stand, all utilities and the mobile home utility connections, the patio, concrete footing, walks, parking spaces, driveways and all other improvements.

E. OPERATING STANDARDS.

The following operating standards shall be conditions to any special use permit to operate a mobile home park and, as such, must be maintained in order to qualify for continued operation of park under the Special Use Permit.

1. MOBILE HOME SALES IN MOBILE HOME PARKS

It shall be unlawful to conduct on a commercial basis the sale of mobile homes or travel trailers within a mobile home park.

2. RESIDENTIAL UNITS NOT TO BE TRAVEL TRAILERS

No mobile home park shall permit a travel trailer, as herein defined, to locate within its boundaries for periods greater than one week if used for any dwelling purposes whatsoever.

3. REGISTRATION

- (a) It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile homes, owners and occupants of the mobile home park. The register shall contain the following information:
 - i. Names and addresses of the owners and/or tenants;
 - ii. The mobile home space in which the mobile home is parked;
 - iii. Date of entering the park; and
 - iv. Date of leaving the park;
- (b) The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

4. MOBILE HOME EQUIPMENT

Each mobile home shall have and be fully operational, a flush toilet, lavatory, bathtub or shower, cooking facilities and electric wiring and shall be required to connect with the utilities provided at each mobile home space.

5. REFUSE DISPOSAL

- (a) All garbage and refuse in every mobile home park shall be stored in suitable watertight and fly-tight receptacles which shall be kept covered with closely fitting covers. The size and type of all garbage receptacles shall be in conformance with town standards.
- (b) No person shall throw or leave garbage or refuse upon the grounds of any mobile home park.
- (c) It shall be the duty of the mobile home park operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner.
 - i. If the mobile home park is located within the corporate limits, the town will pick up and dispose of the garbage and refuse.
 - ii. If the mobile home park is located outside of the corporate limits, the mobile home park operator shall be responsible for the pickup and disposal of the garbage in a manner satisfactory to the town and the County Health Department.

6. HEALTH REGULATIONS

All county health regulations shall apply to mobile home parks within the jurisdiction of the town, except where the regulations are in conflict with the provisions of this section, in which case the more restrictive provisions shall apply.

7. TIEDOWNS

The owner of the mobile home park shall be responsible to see that each mobile home parked within the mobile home park is properly tied down.

8. FIRE PREVENTION AND DETECTION

In addition to the fire prevention regulations, the following shall apply.

- (a) The operator of a mobile home park is responsible for informing each park resident of the location of the nearest fire alarm box, if any; the location of an accessible telephone and the telephone number to be used to report fires; and procedures to be followed in case of a fire.
- (b) The park owner shall install a fire extinguisher labeled as suitable for class A, B and C fires and of a type approved by the Town Fire Department in each building open to the public and in the park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park and their specific duties in the event of fire shall be defined.
- (c) The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds and any other materials which might communicate fires between mobile homes and other buildings.
- (d) Empty liquefied petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under mobile homes.

F. NONCONFORMING PARKS.

- 1. All mobile home parks existing at the time of the adoption of this chapter and not conforming to the requirements herein must apply for a temporary operating permit as provided for in *Section 6.12(C), SPECIAL USE PERMIT; TEMPORARY OPERATING PERMIT REQUIRED*.
- 2. The park owner must submit a compliance plan to the Planning Director not later than 60 days prior to the expiration date of the temporary operating permit in order to apply for a special use permit. This plan shall be reviewed by the Planning Board and Council and shall become a condition to the special use, if granted. The park owner shall choose one of three alternatives as follows.
 - (a) If no compliance plan is submitted, the park owner shall be considered to have chosen not to comply with both the design and operating standards as described in *Section 6.12(B), DESIGN STANDARDS* and *Section 6.12(E), OPERATING STANDARDS* or with the operating standards only and does not seek a special use permit. In this case the owner has chosen the alternative of ceasing operation upon the expiration date of his or her temporary operating permit.

- (b) If the compliance plan shows adherence to only the operating standards as described in *Section 6.12(E), OPERATING STANDARDS*, the park owner is deemed to wish a special use permit to operate under those standards. This permit may be issued by the Town Council for a period of two years, but cannot be renewed more than twice, for a total of six years. At the end of this period the park must close. The park owner may change his or her mind and submit a plan for conformance to both design and operating standards and apply for a permit as provided for in *Section 6.12(F)(2)(c)* below. A permit must be granted before the special use permit issued under this section has expired.
 - (c) If the park owner wishes to continue operation indefinitely, the compliance plan must not only indicate observance of the operating standards, but must indicate how the park plans to comply with the design standards as set forth in *Section 6.12(B), DESIGN STANDARDS* with the following exceptions:
 - i. Requirements in *Sections 6.12(B)(1), 6.12(B)(2), 6.12(B)(7) and 6.12(B)(14)* are eliminated entirely;
 - ii. Requirements in *Section 6.12(B)(4)*, the requirement of paved walkways is eliminated;
 - iii. Requirements in *Section 6.12(B)(5)*, the dimensions may be reduced by 50%;
 - iv. Requirements in *Section 6.12(B)(9)*, the requirement that the private roads be hard-surfaced is eliminated;
 - v. Requirements in *Section 6.12(B)(16)*, the Type B Buffer may be reduced to a ten (10) foot planting strip adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen or deciduous trees not more than twenty (20) feet apart and adequately landscaped with grass and shrubbery in such a manner as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood. The park owner may use existing vegetation and trees that are located along the park perimeter to satisfy this requirement as long as it meets or exceeds that required spacing and tree type as specified above. A planting strip shall not be required in areas where it conflicts with currently existing public utilities as determined by the Planning Director and the Public Works Director. The planting strip must be planted and maintained according to any current or future town policies;
 - vi. Requirements in *Section 6.12(B)(17)*, the requirement of installing wiring underground is eliminated. The park need not connect to city water and sewage systems, but if it does not the park owner must obtain a letter or certificate from the County Health Department stating that the water supply or sewage disposal system has the approval of the Health Department to continue in operation;
 - vii. Requirements in *Section 6.12(B)(18)*, the recreational space requirements may be reduced to one area of 5,000 square feet. This area need not be oriented toward children if the park consists primarily of retired couples or individuals; and
 - viii. Requirements in *Section 6.12(B)(19)*, the location of an already existing building shall not be regulated.
 - (d) The compliance plan submitted under this third alternative must include a map showing the same information required of a park plan *Section 6.12(D)(8)*. It must show how this new plan differs from the present park and it must include a yearly time table indicating completion of the plan within three years.
- 3. In no case shall a mobile home, which has been removed for any reason, be replaced unless and until a compliance plan for the non-conforming park has been approved by the Council as provided for in *Section 6.12(F)(2)(c)* above.
 - 4. If, at any future time, a nonconforming mobile home park wishes to expand in total size or in number of mobile homes, the owner must obtain a new special use permit with the requirement that the new section be brought into complete compliance with all standards.
 - (a) The old nonconforming section may continue with a nonconforming status, as herein provided.

6.13 OPEN SPACE

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the dedication of a portion of land for the purpose of preserving open space and the protection of significant natural features and/or cultural resources.

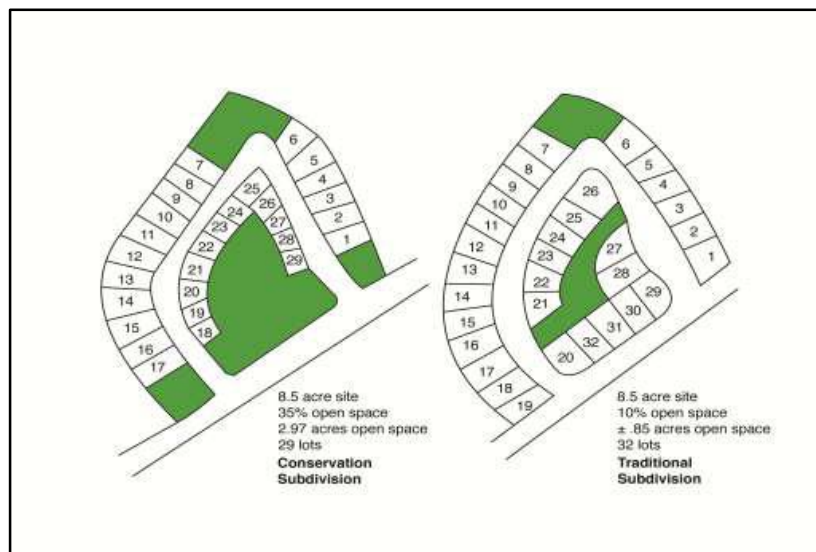
B. APPLICABILITY

Every applicant for a Special Use Permit or Master Plan for residential and/or non-residential purposes involving the creation of multiple lots from a parent parcel shall be required to dedicate a portion of the parcel for the purpose of preserving open space, and to preserve significant natural features and/or cultural resources.

C. DEDICATION REQUIREMENTS

1. The applicant shall provide land for open space within the proposed development equal to 10% of the gross parcel (development tract) area unless the development is a Conservation Subdivision, in which case the requirement is 35% of the gross parcel (development tract).
2. Open space shall be accessible to all lots in the development through a combination of direct access to the street and sidewalks, walkways or connecting paths.

Figure 6-7: OPEN SPACE ILLUSTRATIONS



D. PERMITTED USES WITHIN OPEN SPACE:

1. Buffers required in *Section 6.5, BUFFERS*
2. Undeveloped land without a designated purpose held by a property owners association or non-profit conservation entity

E. PROHIBITED USES WITHIN OPEN SPACE:

1. Stormwater management ponds, swales, conveyances, and treatment areas
2. Recreation space
3. Reserved rights of way
4. Utility, drainage, or access easements
6. Any land held in private ownership rather than commonly held by a property owners association or non-profit conservation entity

F. ADDITIONAL PERMITTED USES WITHIN OPEN SPACE AREAS

1. Open space has no purpose that requires the construction of structures or modification of the existing landscape or grade. An applicant may propose fences, community gardens, and passive uses including walking trails, available to the public or restricted to occupants of the development, at the time of development review. The applicant shall construct any trails proposed, which may count toward a recreational requirement in Section 6.16, Recreation Sites.
2. Utility easements may cross common open space if necessary to connect to the area network. To the maximum extent practicable, utility easement intersections with open space shall be perpendicular to minimize land disturbance. In no case shall a utility easement run coincident with an area of common open space for a length of more than 50 feet without specific authorization by the permit issuing authority and a plan for mitigating the impact of the disturbance on the intent of the open space.
3. Design Requirements
All residential developments shall provide walkways connecting residences and open or common areas. This may be accomplished with sidewalks along street frontages or walkways through recorded access or utility easements.

G. LAND CHARACTERISTICS

1. To prevent open space from becoming a nuisance, all open space within a development shall be accessible from a public right of way.
2. Open space shall be arranged to have both contiguity and connectivity within the development dedicating the open space and to any surrounding dedicated open space. For the purposes of this paragraph, contiguity shall mean that the parcel being offered as open space is of sufficient area to be meaningful in achieving the intent of open space and connectivity shall mean that the parcel being offered as open space shall be located so that a person or wildlife can move between open space parcels without traveling across private property or along a public road or sidewalk.

6.14 PARKING, LOADING, AND CIRCULATION

A. PURPOSE AND INTENT

It is the general purpose and intent of this section to provide for off-street parking and loading areas that are safe, convenient and of adequate size for the particular use or uses proposed. No Zoning Compliance Permit or Certificate of Occupancy shall be issued for uses of land, structures, and buildings, either initially, or for a change in use, or expansion of an existing use, unless the off-street parking and loading requirements of this section are met.

B. APPLICABILITY

The requirements of this section apply to all developments, regardless of zoning designation, with the exception of one and two family detached houses.

C. OFF-STREET PARKING PROVISIONS

1. GENERAL

Each of the following uses shall provide off-street parking spaces in accordance with the table below; except for properties located in CB District as detailed in *Section 6.14(C)(2), MINIMUM NUMBER OF PARKING SPACES REQUIRED IN THE CB DISTRICT*. The term "per employee" shall mean per employee at the time the maximum number of employees are present.

2. MINIMUM NUMBER OF PARKING SPACES REQUIRED IN THE CB DISTRICT

Due to the presence of on-street and off-street public parking and the overlapping and walkable nature of areas zoned Central Business, the requirement of parking applies by square feet of building within the entire Central

Business district rather than use by use. For every 500 square feet of gross floor area within the CB district, one parking space shall be provided.

3. **MINIMUM NUMBER OF PARKING SPACES REQUIRED OUTSIDE THE CB DISTRICT**

The following Table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. If no specific parking standard is established in this Table for a particular use, the permit issuing authority shall apply the most analogous standard. Some uses identified in this Table are not identified the Table of Permitted Uses as specific uses. Nevertheless, parking standards for the most similar use shall apply.

4. **PARKING PROVISIONS FOR USES NOT SPECIFICALLY LISTED**

Any use not listed specifically in *Table 6.14.1, MINIMUM NUMBER OF PARKING SPACES REQUIRED* shall meet the off-street parking and loading requirements determined by the permit-issuing authority. In making the determination, the permit-issuing authority shall use the standards as set forth in *Table 6.14.1, MINIMUM NUMBER OF PARKING SPACES REQUIRED* for those uses which they find most similar to the proposed use.

D. JOINT PARKING FACILITIES

1. The required parking for multiple, separate and complementary uses located in any zoning districts may be combined in one lot, subject to the following requirements:

- (a) The off-street parking spaces allotted to each use shall be shown on the application for a Zoning Compliance Permit;
- (b) The distance between the primary entrance of the structure housing the use to be served and the farthest allotted parking space for that use shall not exceed one thousand three hundred twenty (1,320) feet.
- (c) Spaces assigned to one use may not be assigned to another use at the same time or any other time, except that upon the presentation of competent evidence demonstrating the adequacy of shared parking facilities, up to one-half of the parking spaces required for uses such as, but not limited to, churches, theatres, and assembly halls, the peak attendance at which is expected to be outside typical business hours (Monday through Friday 8 a.m. to 5 p.m.) may be assigned to another use which will experience peak usage during the day. The Planning Director shall make the determination relative to peak usages.
- (d) Cross easements shall be executed and recorded at the Duplin County Register of Deeds to insure the continued availability of the parking facility to the use it serves.

E. OFF-SITE PARKING

The permit issuing authority may allow off-site parking to account for up to 50% of the required parking for any single use if sufficient operational specificity and rationale are provided during the permit review including some of the following:

1. Private shuttle or transit or valet is available between the remote parking site and the use(s) it is intended to serve.
2. Private shuttle or transit service is provided for customers of the business, bringing them to and taking them away from the site at their request or scheduled intervals.
3. Shared parking with another facility utilizing spaces not needed to meet the second facility's requirements under this Ordinance.
4. Leasing of off-site spaces not allocated to another use under this Ordinance.

F. COMPACT PARKING SPACES

In parking lots with more than twenty-five (25) parking spaces, compact car spaces may constitute up to twenty-five (25) percent of the total number of spaces provided. Compact spaces shall be clearly and permanently designated on the site plan and in parking areas.

Table 6.14.1: MINIMUM NUMBER OF PARKING SPACES REQUIRED	
USE TYPE	REQUIREMENTS
Adult Uses	1 per 200 square feet gross floor area
Amusement Arcades	1 per game table, video game, amusement device
Athletic Field	10 spaces
Banks & Financial Institutions	1 space per 300 square feet gross floor area
Bed & Breakfast	1 per guest room plus 2 spaces for owner's portion
Billiard or Pool Hall	2 per lane or table
Botanical Garden/Arboretum	2 spaces per acre
Bus Passenger Shelter	none
Cemetery	none
Child Day Care	1 per 375 square feet gross floor area
Church, Place of Worship	1 per 8 seats
Club/Lodge	1 per four members
Community Center	1 per 6 seats or 1 per 30 square feet gross floor area if no permanent seats
Dwelling: Attached	2 spaces per dwelling unit, plus 1 visitor space per 5 dwelling units
Extended Care Facility	0.3 per room
Extraction of Earth Products	1 per employee plus 1 per facility vehicle
Family Care Home	0.3 per room
Family Child Care Home	1 per 375 square feet gross floor area
Flex Space	1 space per 300 square feet gross floor area
Funeral Home	1 per 4 seats
Galleries/Museums	1 per 1,000 square feet gross floor area
Government Facilities & Offices	1 per 300 square feet gross floor area
Greenhouses/Nursery	1 per 375 square feet gross floor area
Group Care Facility	0.3 per room
Health/Fitness Center/Club/Dance Studio	1 per 250 square feet gross floor area
Hospital/Medical Facilities	1 per 400 square feet gross floor area
Hotel & Motel	0.8 per room plus 1 per 800 square feet of public meeting area and restaurant space
Junkyard, Vehicles	1 per employee
Kennels, Boarding	1 per 300 square feet gross floor area
Libraries	1 per 300 square feet gross floor area
Mail Order Houses	1 space per employee plus 3 visitor spaces
Manufacturing/Assembly Complex	1 space per employee plus 3 visitor spaces
Meeting Facility	1 per 6 seats or 1 per 30 square feet gross floor area if no permanent seats
Mobile Home Park	2 spaces per dwelling unit, plus 1 visitor space per 5 dwelling units
Motor Vehicle Repair/Maintenance Service Stations	1 per 375 square feet gross floor area
Motor Vehicle Sales/Rental	1 per 375 square feet gross floor area
Nightclubs, Bars	1 per 2 seats

USE TYPE	REQUIREMENTS
Offices & Personal Services	1 per 250 square feet gross floor area
Outlet Sales	1 per 300 square feet gross floor area
Parking as Principle Use	None
Parks	4 spaces per developed acre plus recreation facility requirements
Performance Facility	1 per 6 seats or 1 per 30 square feet gross floor area if no permanent seats
Personal Vehicle Sales	1 per 375 square feet gross floor area
Petroleum Products Storage	1 per employee
Public Safety Services	1 per 250 square feet gross floor area
Restaurants	1 per 75 square feet gross floor area
Retail Sales & Rentals	1 per 300 square feet gross floor area
Rooming/Boarding House	1 per guest room plus 2 spaces for owner's portion
Schools: Elementary, Middle, Kindergarten	2.5 per classroom
Schools: Secondary, Art, Music, Higher Education	1 per 4 students
Schools: Vocational	1 per 200 square feet
Skating Rink	5 per 1,000 square feet gross floor area
Storage & Warehousing: Inside	1 per 600 square feet gross floor area
Storage & Warehousing: Outside	1 per 600 square feet gross floor area
Storage & Warehousing: Self	1 space per employee plus 2 customer spaces plus 1 space per 20 units for units with interior access only
Swimming Pool	1 space per 100 square feet of pool area
Telecommunication Towers	1 per service employee
Tennis/Squash/Racquetball	2 spaces per court
Transit Passenger Terminal	1 per employee plus spaces required to satisfy peak parking needs
Transmission Lines	none
Utilities	1 per employee
Veterinarian Offices/Animal Hospital	1 per 300 square feet gross floor area
Water & Sanitary Sewer Pumping Stations	none
Wholesale Sales	1 per 375 square feet gross floor area

G. OFF-STREET PARKING SETBACK AND LOCATION

1. Parking spaces are considered structures for the purpose of determining setback requirements as described in *Section 6.3, GENERAL DIMENSIONAL STANDARDS*
2. All parking required by this ordinance shall be located on the parcel where the use that required the parking is located with the following exceptions:
 - (a) Uses that are specifically approved to use on street parking to meet the ordinance requirements or uses occupying buildings in the CB district that existed on the date of this ordinance and have not been enlarged.
 - (b) Uses that have approved joint parking arrangements
 - (c) Uses that have approved off-site parking arrangements

3. Access to Off-Street Parking

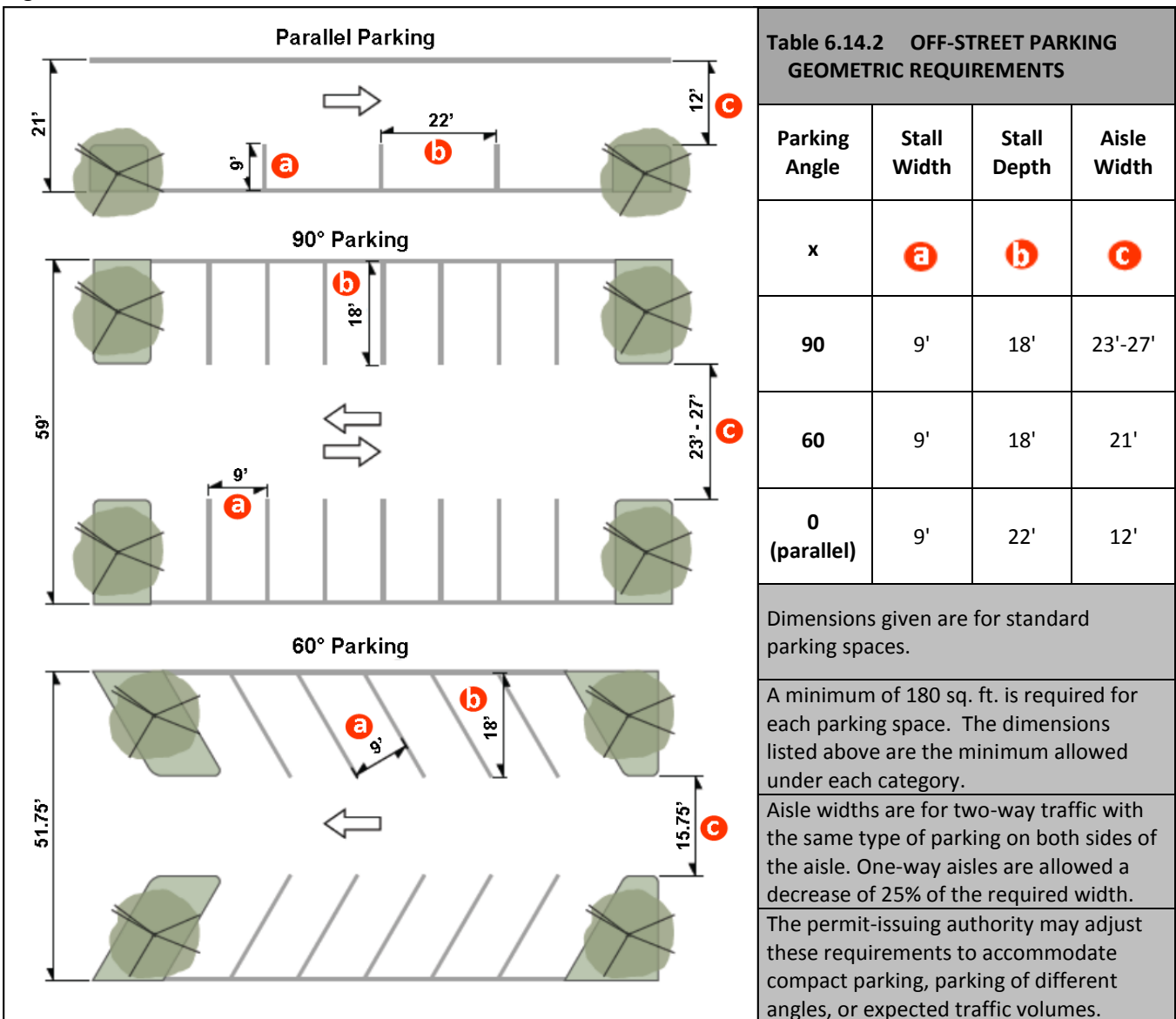
- Adequate vehicle accommodation area shall be provided for each parking space in accordance with the standards of the American Society of Highway and Traffic Officials;
- Common driveways with necessary cross-access easements to parking facilities on adjacent properties shall be required where practicable, giving consideration to the nature of the site and the traffic patterns on adjacent streets;
- Access drives or driveways to off-street parking spaces or lots shall conform to the design standards of the North Carolina Department of Transportation or this Ordinance, whichever is stricter;

H. OFF-STREET PARKING GEOMETRIC REQUIREMENTS

As shown in *Figure 6-8, PARKING STALL MEASUREMENTS*, the following are the minimum geometric requirements for different types of off-street parking spaces:

- Each 90° parking space shall at a minimum be 9 feet wide and 18 feet in depth
- Each 60° angled parking space shall at a minimum be 9 feet wide and 18 feet in depth
- Each parallel parking space shall at a minimum be 9 feet wide and 23 feet in depth
- Each compact parking space shall at a minimum be 8 feet 6 inches wide and 16 feet in depth

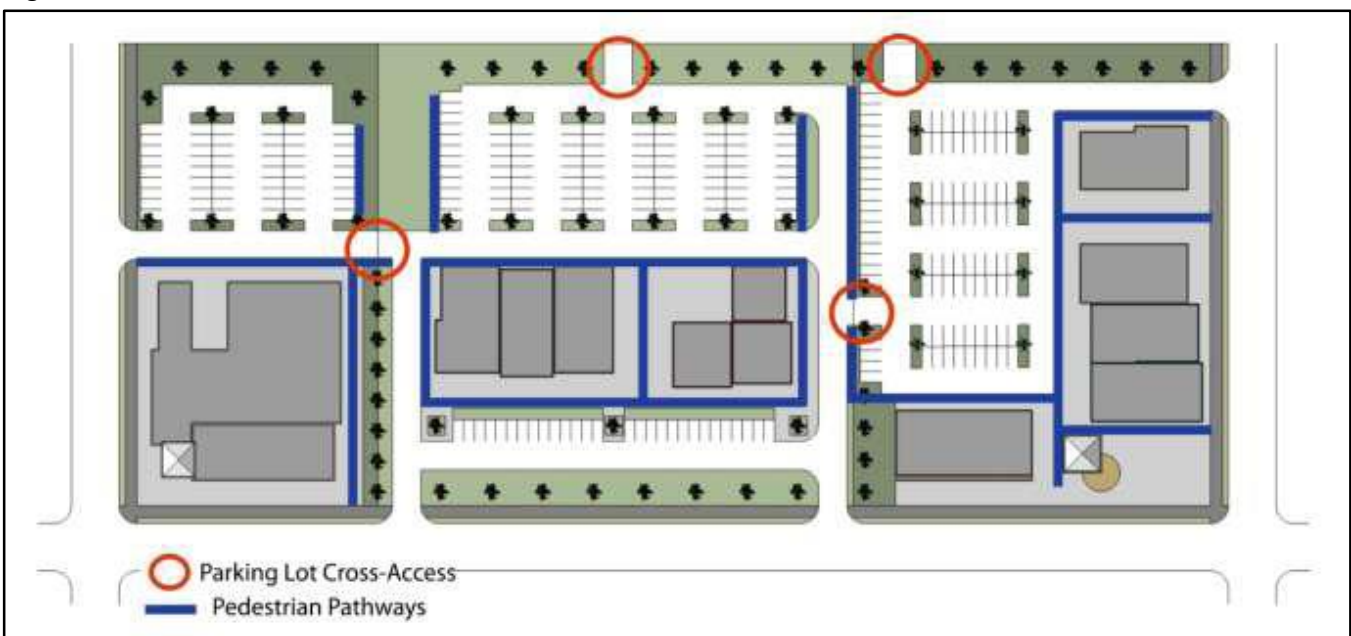
Figure 6-8: PARKING STALL MEASUREMENTS



I. OFF-STREET PARKING DESIGN REQUIREMENTS

1. Parking shall be placed at the side or rear of the lot and screened from view consistent with landscaping requirements and screening requirements in this section.
2. Visual impact of parking areas shall be reduced by locating the parking areas away from right-of-ways
3. Surface parking shall not be located at street corners
4. Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas
5. Adjacent parking lots shall be connected by cross access easements to provide shared parking areas whenever possible.
6. Off street parking shall not be located along any street frontage that also has on-street parking.
7. All off-street parking spaces, vehicle accommodation areas, and access areas shall be surfaced with an all-weather paving material, such as asphalt, and maintained in a safe, sanitary, and neat condition. The use of innovative and pervious surfaces for the use of parking is encouraged. Parking is not permitted on landscaped areas.
8. Off-street parking spaces shall be designed to prevent interference of parked vehicles with travel lanes, walkways, public property, or other private property by means of walls, curbs, wheel stops, or other appropriate means;
9. All parking areas shall be properly maintained by the owner of the property;
10. If an applicant proposes to construct parking spaces in excess of the number required by this ordinance, a pervious paving material must be used to create the excess parking spaces.
11. Landscaping requirements as per *Section 6.10, LANDSCAPING (PARKING LOT)*.

Figure 6-9: OFF-STREET PARKING DESIGN REQUIREMENTS



J. OFF-STREET LOADING REQUIREMENTS

1. Industrial and commercial structures shall provide space for off-street loading of vehicles, unless the applicant for such use can demonstrate that such space is not required for the use.
2. The requirements for off-street loading are in addition to the requirements for off-street parking. Space designated for compliance with off-street parking requirements shall not be used to comply with the requirements for off-street loading space and vice versa.
3. An off-street loading space, for the purposes of this section, shall have a minimum width of twelve (12) feet, a minimum length of sixty (60) feet and a vertical clearance of sixteen (16) feet above the finished grade of the space.
4. Each off-street loading space shall be located and arranged so that a semi-trailer truck can use it safely.

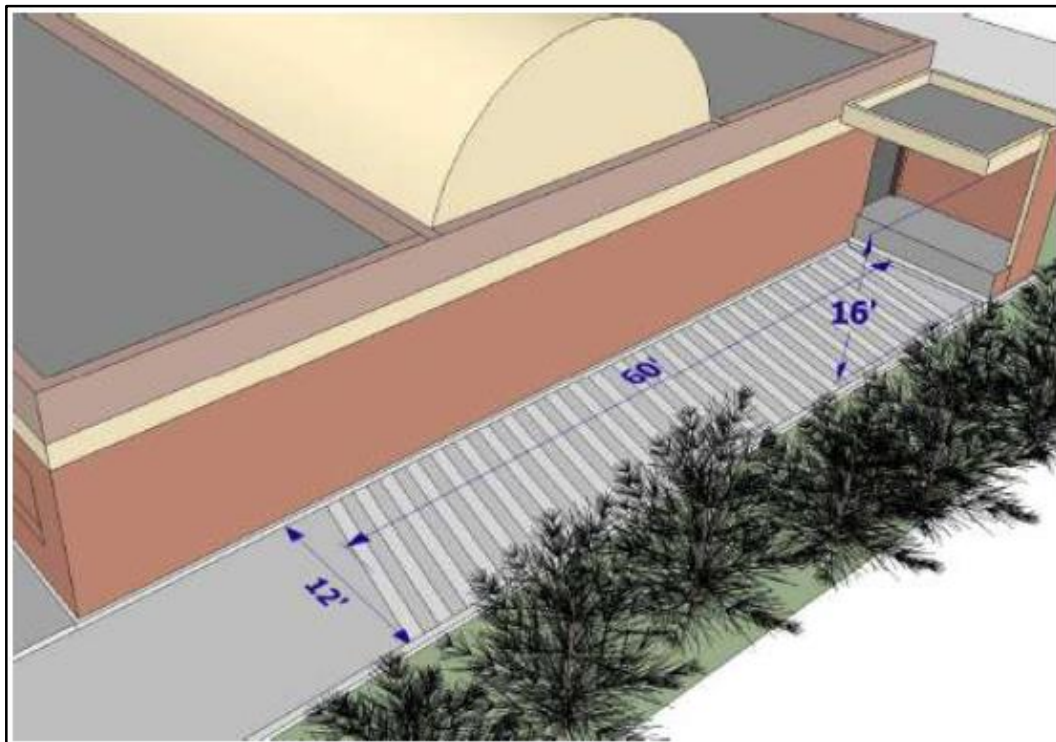
Table 6.14.3 USE TYPE AND OFF-STREET LOADING SPACES

Use Type	Minimum Loading Requirements
Retail Business	One (1) space for each five thousand (5,000) square feet of floor space or major fraction thereof; no more than three (3) spaces are required
Wholesale and Industrial Uses	One (1)

K. DESIGN REQUIREMENTS

1. Delivery areas, loading docks, and service areas shall be located behind the primary building.
2. Delivery areas, loading docks, and service areas shall be screened from view so as not to be visible from the street.

Figure 6-10: OFF-STREET LOADING REQUIREMENTS



6.15 POSTING REQUIREMENTS FOR STRUCTURES

A. PURPOSE AND INTENT

It is the general purpose and intent of this section to protect and promote the public health, safety, and general welfare by requiring the posting of the correct and current 911-address on each structure or residence.

B. APPLICABILITY

All new and existing residential and non-residential structures must meet the requirements of this section.

C. TIME REQUIREMENTS

Within 30 days of assignment or notification of change of a structure number, the owner of said structure shall post the assigned structures current and correct 911-address in compliance with the requirements herein.

D. POSTING LOCATIONS

The official 911-address number must be displayed on the front of a building or at the entrance to a building, which is most clearly visible from the street or road during both day and night.

If a building is more that seventy-five (75) feet from any road, the address number shall be displayed at the end of the driveway or easement nearest the road, which provides access to the building.

E. NUMBER SPECIFICATIONS

1. RESIDENTIAL NUMBERS

Numeral indicating the address number of a single-family dwelling shall be at least four (4) inches in height and shall be posted and maintained so as to be legible from the road from both directions of travel.

Numerals for buildings with multiple dwelling units shall be at least six (6) inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road. All apartment buildings will have each apartment door numbered with a minimum of two (2) inch numbers. A number larger than the minimum size may be required where the minimum size does not provide adequate identification.

2. NON-RESIDENTIAL NUMBERS

Numerals indicating the address number of non-residential buildings shall be at least six (6) inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road. A number larger than the minimum size may be required where the minimum size does not provide adequate identification.

3. The Planning Director shall have the right to authorize and approve alternate methods of displaying address number, which meet the intent of this article when strict adherence of these standards cannot reasonably be met.

4. All structure number shall be constructed of a durable material. The color shall contrast with the color scheme of the structure and, if mounted on glass, shall contrast with the background and be clearly visible.

F. MAINTENANCE OF STRUCTURE NUMBERS

Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirements of this Section. The owner shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

6.16 RECREATION SITES

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the dedication of a portion of land for the purpose of providing recreation space and/or equipment in accord with the Town of Wallace Parks and Recreation Master Plan.

B. APPLICABILITY

Every development proposal containing 5 or more residential units, whether attached or detached, shall include dedication of a portion of the land for public recreation to serve the leisure needs of the residents of the development. If a development is proposed in a location recommended for recreation improvements in the adopted Parks and Recreation Master Plan or adopted small area plan, the development plan shall indicate the extent to which the proposal fulfills the intent of the adopted plan.

C. CALCULATION OF REQUIRED AREA

The applicant shall provide land for recreation, provide improvements for recreation, provide fees in lieu of land and improvements, or provide a combination of the above according to the following:

1. At least one thirty fifth (1/35) of an acre (.029 acres) shall be dedicated for each dwelling unit shown in the plan, or
2. Detached dwelling units shall be assigned 12 recreation points per dwelling. Points for each attached dwelling unit based on the number of bedrooms per units shown in the plan shall be required for recreational improvements according to Table 6.16.1, RECREATION POINTS AND ATTACHED DWELLING UNITS; or
3. Fees in lieu of dedication of recreational area and improvements may be paid according to *Section 6.16(l), PAYMENTS IN LIEU OF DEDICATION*, for each dwelling unit shown in the subdivision plan; or
4. A combination of the three above methods may be used to satisfy the recreational dedication requirements, provided, however, that the final approval of the applicant's plan shall at all times remain with the permit issuing authority.

Table 6.16.1: RECREATION POINTS AND ATTACHED DWELLING UNITS	
Dwelling Units	Minimum Points Required
One bedroom unit	6.0
Two bedroom unit	9.5
Three or more bedrooms	12

In the computation of recreational requirements: four hundred (420) points shall be deemed to equal one (1) acre; and, when calculating a combination of the above, the recreational space cannot be utilized more than once (for example, a swimming pool which equals 356 points cannot use its 768 square feet of land in the acreage calculation). In all cases, the Parks and Recreation Board shall review and make recommendations to the Planning Board and Town Council on the applicant's proposed provision or dedication of recreational space; and, the Town Council shall make the final decision.

E. CHARACTERISTICS OF REQUIRED AREA

1. SITE SUITABILITY FOR ACTIVE RECREATION AREAS

- (a) Land provided or dedicated for active recreational purposes shall be of a character, slope and location suitable for use as play areas, tennis courts, multipurpose courts, picnic areas, ball fields and other similar recreation uses.
- (b) Active recreation areas shall be located on land that is relatively flat (0 to 7 1/2% slopes), free of wet lands and/or flood plains, free of easements for public utility transmission lines, and otherwise capable of accommodating active recreation uses.

2. SITE SUITABILITY FOR PASSIVE RECREATION AREAS

Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope and location suitable for use for walking, jogging, reading and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, nature woodlands and water resources.

3. LOCATION

Land dedicated for recreation purposes shall be located so as to serve the needs of the immediate residents of the subdivision. Recreation areas shall be centrally located so as to provide relatively easy accessibility to all residents of the subdivision; provided, however, recreation areas may be approved in other locations where land more suited for recreation purposes due to shape, level slopes and/ or dry soil conditions is present.

4. UNITY

Land dedicated for recreation purposes shall be a single lot except where it is determined that two (2) or more lots are suited to the needs of a particular subdivision. The Planning Board may recommend, and the Town Council may require, the dedication of a path connecting two or more recreation areas, in addition to the land required in *Section 6.16(C), CALCULATION OF REQUIRED AREA*.

F. SITE IMPROVEMENTS

Private recreation facilities either required or provided at the option of the applicant, shall meet the standards for site improvements contained herein. When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents/businesses shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision. As an example, the existence of a multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the applicant that another facility, such as a tennis court, would be more appropriate. Recreation facilities which are suitable for various age groups include, but are not limited to those shown on the following pages. Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon.

In addition to land provided or dedicated for active recreation purposes, sufficient area shall be provided to meet off-street parking requirements for the proposed improvements as shown in *Table 6.14.1, MINIMUM NUMBER OF PARKING SPACES REQUIRED*.

G. POINTS SYSTEM

Active recreation areas shall be easily visible from and have direct access to public street(s) and shall be designated as such on preliminary and final plats.

Active recreation areas and facilities shall be provided to such extent that the sum total of recreation points assigned to each recreational area and facility (under subsection b) equals or exceeds the number of recreation points required in that development in accordance with the remaining provisions of this section.

For purposes of this subsection, a recreation point is a unit of measurement that allows various types of recreational areas and facilities to be compared to one another. The principal criterion upon which recreation points are assigned to various facilities is the cost associated with the development of such facilities. The following table establishes the recreation points assignable to the facilities listed. Points for facilities not included on the table below shall be determined by the permit issuing authority.

Table 6.16.2: RECREATION POINTS			
Facility	Points Per SF	Typical Points	Typical Square Ft
Baseball Field	.010	675	67500
Basketball Court	.058	139	2400
Clubhouse	.508	610	1200
Fitness Station	.022	9	400
Football/Soccer Field	.011	396	36000
Gazebo	.326	102	314
Hiking/Biking Trail	.016	64	4000
Picnic Shelter	.148	37	250
Play Equipment	.216	275	1275
Sandbox	.097	6	64
Swimming Pool	.463	356	768
Swimming Pool Patio	.020	56	2820
Tennis Court (1)	.034	245	7200
Tennis Court (2)	.028	403	14400
Tennis Court (4)	.025	720	28800
Volleyball Court	.014	25	1800

The minimum total recreation points required of any attached dwelling development shall equal the sum of the number of recreation points assigned to each dwelling unit. Play equipment suitable for children under twelve shall comprise at least five (5) percent of the total points required. Active recreational facilities and areas should be located throughout the development so that they can be reached safely and easily by their anticipated users. Such facilities and areas must be on land that is suitable for the use intended, have a minimum of twelve hundred (1200) square feet per area, and be sufficiently buffered to minimize the impacts on adjacent residences.

H. METHOD OF PROVISION OR DEDICATION

Land dedicated for public recreation area shall be designated on both the preliminary and final plat(s) of the development and must be dedicated to an appropriate unit of local government. Determination of the appropriate unit of local government shall be made by the Town Council, upon recommendation from the Parks and Recreation Board and the Planning Board. Acceptance of the dedication may be one in trust if deemed appropriate by the Town Council. Land provided for private recreation purposes must be conveyed to a property owners' association subject to covenants and easements to be approved by the Planning Board and Town Council and which provide for the continued maintenance and control of the recreation area in a manner which assures its continuing use for its intended purpose. The formal declaration of covenants and restrictions shall be recorded in the Register of Deeds Office.

I. PAYMENTS IN LIEU OF DEDICATION

Any applicant required to dedicate or provide recreation area pursuant to this Ordinance may, with the approval of the Town Council, make a payment in lieu of dedication or make a combination of land dedication and payment. Before approving a payment in lieu of dedication, the Town Council shall find that no recreation sites have been designated on the Master Parks and Recreation Plan for the property in question.

The amount of a payment in lieu of dedication shall equal the number of acres required to be dedicated multiplied by the fair market value of the land to be dedicated. Fair market value shall be determined by dividing the tax appraisal of the property at last re-evaluation by the current year assessment ratio.

Upon approval by the Town Council, payment in lieu of dedication shall be made at the time of final plat approval or within one year of approval of the construction drawings, whichever occurs first. All monies received by the Town of Wallace pursuant to this section shall be used only for the acquisition and/or development within the same park district as shown in the Master Parks and Recreation Plan of land for a public park facility . The Town Council has the authority to sell land dedicated pursuant to these provisions, provided that the proceeds of any such sale shall be used solely for the acquisition and/or development of other recreation or park sites within the same park district.

Developments within the extraterritorial jurisdiction and those with less than twenty (20) dwellings will be encouraged to pursue payment in lieu of dedication if they wish provide public ownership of any required recreational facilities due to the town's inability to maintain facilities outside the city limits or in small installations.

6.17 SCREENING

A. PURPOSE AND INTENT

It is the general intent of this section to provide for screening of utilities and mechanical units that may have adverse impacts on residential and pedestrian areas. Non-residential developments require service areas to accommodate utilities, waste handling, air handling, and supplementary power. This section of the Ordinance provides guidance on reducing any adverse impacts while still maintaining convenience and walkability. Buffers between different zoning districts are addressed in *Section 6.5, BUFFERS*.

B. APPLICABILITY

Where non-residential development is adjacent to residentially zoned or used property or adjacent to areas that encourage pedestrian activity or access, the applicant shall address the potential adverse impacts of service areas to the residential and pedestrian uses.

The permit issuing authority shall consider the potential impacts including, but not limited to, the following on adjacent residents and pedestrian areas:

1. Dumpsters and recycling collection areas
2. Air handling equipment
3. Supplementary power
4. Electric Utilities and Transformers
5. Phone, Cable and other utility services
6. Hot boxes & sprinkler connections
7. Grease traps
8. Service courts
9. Lighting
10. Satellite Dishes/ Solar Panels

C. REQUIREMENTS

The screening requirement will be based on the type of impact to be mitigated.

1. NOISE

Solid waste areas, air handling equipment, supplementary power, parking and service courts can have noise impacts at the time of use or the sound generated by the machinery itself. Applicants shall provide noise level documentation for equipment located adjacent to the residential or pedestrian use. The permit issuing authority may require any one, or a combination of fencing, distance, and baffling as needed to minimize noise generated by such facilities. Areas that are serviced between 9 p.m. and 7 a.m. shall be located at least 50 feet from a structure in residential use.

2. VISUAL

- (a) Solid waste areas, utility meters, hot boxes and sprinkler connections, and service courts shall be screened from residences, pedestrian areas, and adjacent streets through landscaping, fences, walls, or grade changes of sufficient height to mitigate the visual impact of the utility being screened when viewed from the adjacent parcel, pedestrian area or street.
- (b) Solid waste areas shall be screened by a fence or wall tall enough to screen the solid waste from view. The solid waste storage area shall be enclosed and secured by a gate.
- (c) Air handling units, condensers, satellite dishes and other equipment that is placed on the roof shall be screened from view by building elements in order to shield from sight at grade as well as from nearby public rights-of-way

3. LIGHT

Parking areas, service courts, delivery areas or others that include overhead and security lighting shall satisfy the lighting of this Ordinance. Further, local streets and residential properties shall be protected from headlight trespass through the installation of sufficiently tall landscaping or screening.

6.18 SIDEWALKS AND WALKWAYS

A. PURPOSE AND INTENT

It is the general intent of this section to provide for public health, safety, and welfare by promoting connectivity and multi-modal travel methods to improve quality of life and air quality by requiring the installation of sidewalks and walkways.

B. APPLICABILITY

This section describes the types of new development required to construct public sidewalks or walkways as a component of their development. For this section the term “new development” applies to a Special Use Permit, or a Master Plan including subdivisions of land, and site plans for any parcel one (1) acre or greater, or the construction of a new principle structure on a parcel, or significant renovation of an existing structure or vehicle accommodation areas that disturbs 50% or more of the parcel area.

C. GENERAL PROVISIONS

1. DEVELOPMENT SITES

If a parcel fronts on a street segment designated as a high priority or Duplin County priority sidewalk segment in the sidewalk recommendation map of the Community Connectivity Plan, any new development on that parcel shall construct a public sidewalk along the designated frontage. The permit issuing authority may modify this requirement upon presentation by the applicant for development approval of competent evidence demonstrating that strict compliance with this standard is not economically feasible or reasonably practicable due to topography, stream buffer requirements, or other similar reasons. The permit issuing authority may, as a condition of any waiver or modification of this sidewalk requirement require a partial payment equal to no more than the cost of the sidewalk segment for which the waiver or modification are granted. All payments received shall be deposited into the Town’s sidewalk construction capital fund.

If a parcel fronts a street segment designated as a low priority sidewalk segment in the sidewalk recommendation map of the Community Connectivity Plan, any new development on that parcel shall either (1) construct the sidewalk along the designated frontage or (2) at the applicant’s option, make a payment to the Town in lieu of constructing a sidewalk, or (3) a combination of (1) and (2). The permit issuing authority shall establish the amount of the payment, which shall not exceed the estimated cost of the construction of the sidewalk or section thereof. All payments received shall be deposited into the Town’s sidewalk construction capital fund.

2. NEW PUBLIC STREETS

- (a) Sidewalks will be provided along both sides of all proposed and existing public streets within development.
- (b) Sidewalks will be provided along any existing public road directly accessed by the proposed development as follows:
 - i. The sidewalk will extend the length of the property adjacent to the roadway on the same side as the proposed development.
 - ii. The developer will provide any necessary additional right-of-way needed for the sidewalk to either the Town or NCDOT, as appropriate.

3. DESIGN REQUIREMENTS

- (a) Sidewalks built adjacent to an NCDOT road facility shall be built to meet NCDOT sidewalk standards.
- (b) Sidewalks shall be at least five (5) feet wide and constructed of concrete at least five (5) inches thick, or such other material as may be approved by the permit issuing authority.
- (c) Sidewalks shall connect via a direct link to the primary building entry.
- (d) For non-residential lots with existing sidewalks or for sidewalks constructed as part of a new development, shade trees shall be located in the parcel front yard so as to shade the walkway without damaging it. The shade trees shall be installed 10' behind the sidewalk and be spaced no greater than 40' on center. This requirement shall not be applied to non-residential buildings built within 10' of the ROW or with a front courtyard or other side features that provide similar shading.
- (e) For non-residential buildings built within 10' of the right-of-way shade trees shall be installed between the curb and sidewalk in accordance with town planting and right-of-way standards.
- (f) Sidewalks and walkways shall be constructed to meet ADA requirements
- (g) When a retaining wall of 30 inches or more in height or a steep grade exceeding a 1:1 ratio is located within five feet of a sidewalk or other constructed system designed and placed as to direct public pedestrian traffic, a barrier shall be constructed and maintained between the sidewalk and the grade change.
- (h) When the horizontal slope of a sidewalk exceeds the minimum grade allowed by ADA, it shall be treated as a ramp with railing requirements.

D. MAINTENANCE

All sidewalks shall be adequately maintained and kept in a safe and neat manner.

6.19 SIGNAGE

A. INTENT

It is the general intent of this section to help protect and preserve the historic and aesthetic character of Wallace while balancing with those interests the need of businesses, government and the traveling public to safely and accurately identify and read information on permitted signs. Toward that end, the Town adopts these regulations regarding the number, area, location and other characteristics of signs.

B. SIGNS SUBJECT TO CONTROL

All signs visible from vehicular rights-of-way, both new and existing, shall be erected, maintained, and operated in accordance with this Ordinance and other relevant controls unless specifically exempted. The definition of "sign" also includes those messages inside a building specifically oriented to persons outside the building. The provisions of this section do not apply to window displays of merchandise but do apply to signs mounted in windows.

C. ZONING COMPLIANCE PERMIT REQUIRED

Before any sign shall be erected, replaced, converted, changed, structurally altered, or otherwise modified, a Zoning Compliance Permit must be obtained except those specifically exempted from such a requirement.

In the case of a multi-tenant development, the Zoning Compliance Permit shall be issued in the name of the owner of the multi-tenant development or his agent rather than in the name of any individual tenant thereof, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area established by this Ordinance. Upon application by the owner of a multi-tenant development, the Planning Director may issue a master sign permit that allocates permissible maximum sign surface area among the various buildings, businesses or tenancies in the development according to a formula established and furnished by the owner, and thereafter sign permits shall be issued to individual tenants only in accordance with the allocation formula on record with the Planning Director. No sign permit shall be issued for any sign which conflicts with the allocation formula on record, and no new freestanding sign may be erected except in accordance with the then existing sign regulations established by this Ordinance, and with the allocation formula on record.

D. SIGNS ALLOWED BY DISTRICT

Signs are allowed by district as set forth in Table 6.19(1), SIGNS ALLOWED BY DISTRICT below.

Table 6.19.1: SIGNS ALLOWED BY DISTRICT	RESIDENTIAL							NON-RESIDENTIAL				SPECIAL					
	R-6	R-6MH	R-8	R-10	R-15	RA-20	R-20MH	CB	HB	I	NB	BDO	HDO	MRSU	MFSU	RSU	SDSU
BUILDING SIGNS																	
Wall Sign	I	I	I	I	I	I	I	P	P	P	P	--	P	C	C	C	C
Projecting Sign	I	I	I	I	I	I	I	P	P	P	P	--	P	C	C	C	C
Awning, Gallery, Marquee Sign	I	I	I	I	I	I	I	P	P	P	P	--	P	C	C	C	C
Window Sign	--	--	--	--	--	--	--	P	P	P	P	--	P	C	C	C	C
GROUND SIGNS																	
Low Profile	I	I	I	I	I	I	I	P	P	P	P	--	--	C	C	C	C
Medium Profile	--	--	--	--	--	--	--	P	P	P	P	--	--	C	C	C	C
High Profile	--	--	--	--	--	--	--	--	P	P	--	--	--	C	C	C	C
Tract Identification Sign	P	P	P	P	P	P	P	--	P	P	P	--	--	C	C	C	C
A-Frame (Sandwich Board)	--	--	--	--	--	--	--	P	P	P	P	--	P	C	C	C	C
ADVERTISING SIGNS																	
Off-Premise Signs/Billboards	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--
P: Permitted I: Institutional Only (Section Z) C: Conditional Based on SUP --: Not Permitted																	

E. WALL SIGNS

Permit Required: YES COA: YES

**A. Description**

An on-premises sign attached flat to or mounted away from but parallel to the building wall, typically extended no more than 12 inches from the building wall. A sign permit is required for a wall sign.

B. Sign Area Allocation

Permanent wall signs shall be permitted for each separate business establishment provided the total allowable sign area for all signs shall not exceed two (2) square foot for each lineal foot of building wall facing a public street.

C. Height

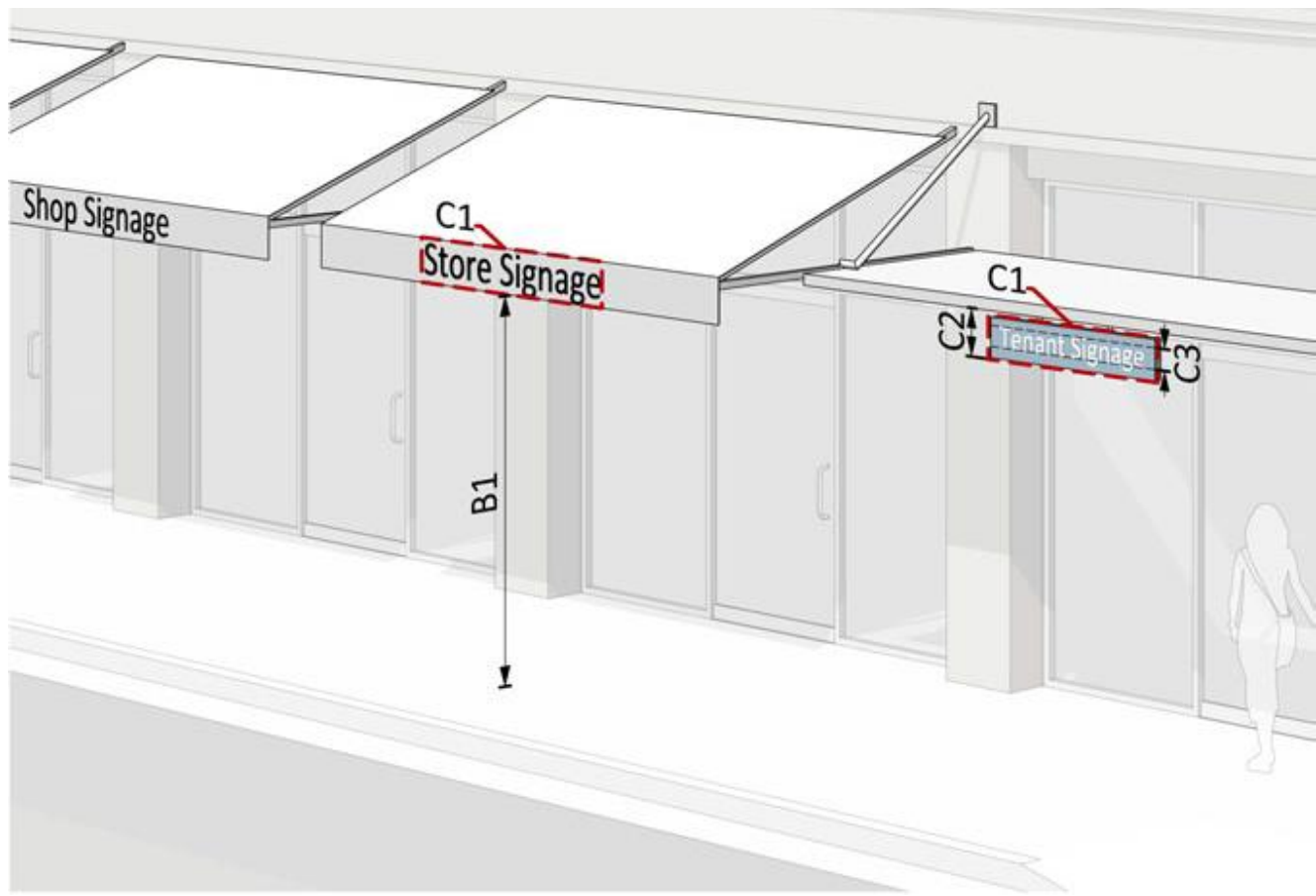
1. No portion of a wall sign may extend above the roof line of a building without a parapet wall.
2. No portion of a wall sign may extend two feet above the roof line of a building with a parapet wall, provided no portion of the sign extends above the parapet.
3. No wall sign may extend above the lower eave line of a building with a pitched roof.
4. Wall signs shall in no case project higher than the eave of the building or thirty (30) feet, whichever is lower.

D. Frontage Standards

D1	Size per sign (max)	200 sf	D3	Projection (max)	10"
D2	Height (max)	6'	D4	Signs per business	4

E. Miscellaneous

1. An increase in the size of a wall sign may be permitted based upon the front setback of the building - a ten percent (10%) increase in the size of the sign for 100 - 199 foot setback; twenty percent (20%) increase in the size of the sign for 200 - 299 foot setback; thirty percent (30%) increase in the size of the sign for 300 or more foot setback. The location and number of wall signs is at the option of the owner or tenant; however, no more than four (4) signs are to be located on any zoning lot. The "front" façade shall be the one oriented toward the public right of way and the "rear" façade shall be the opposite façade. The sign area allowed on the "front" façade shall be calculated as detailed as detailed above. The sign area allowed on the "rear" and "side" façades shall be 75% of the area of the sign on the front façade. Street number numerals shall not count in this requirement.
2. In the Historic Overlay District, the maximum wall sign surface area shall be 3% of the building façade area or 45 square feet. This limit shall apply to all wall mounted signs, including exterior, interior, awning, and hanging types. "Façade" shall include all planes facing the same direction regardless of structural offsets. "Building" shall be determined by property boundaries unless information is provided about interior firewalls dividing a structure into multiple components.
3. When a building contains a sign band, such a building may only use a flush mounted wall sign and it must be located and centered within the sign band area. Hanging signs shall not be used on a façade with a sign band.
4. The Historic District Commission may modify the provisions of the sign area for an individual building, if necessary, to keep with the historic design of the building.

**A. Description**

An on-premise sign attached flat to (or extending vertically upward or downward) from an awning, gallery or marquee. A sign permit is not required.

B. Location

B1	Clear height (min)	8'				
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C. Size

C1	Area (max)	20 sf		C3	Height of letters (max)	18"
C2	Height above or below awning, gallery or marquee (max)	12"				

D. Miscellaneous

Signs shall not extend outside the overall length or width of an awning, gallery or marquee, or extend above the height of the building wall that the awning, gallery or marquee is attached.

**A. Description**

An on-premises sign attached directly to a supporting building wall, and intersecting the building wall at a right angle. A projecting sign typically extends more than 12 inches from the building wall, and may be two or three-dimensional. A sign permit is required for a projecting sign.

B. Size

A projecting sign may not exceed 40 square feet in area. A projecting sign which is not internally illuminated and is suspended to allow the sign to swing due to wind action is not allowed to exceed 16 square feet in area. The calculation for allowable sign area shall be for a single side of a hanging sign.

C. Height

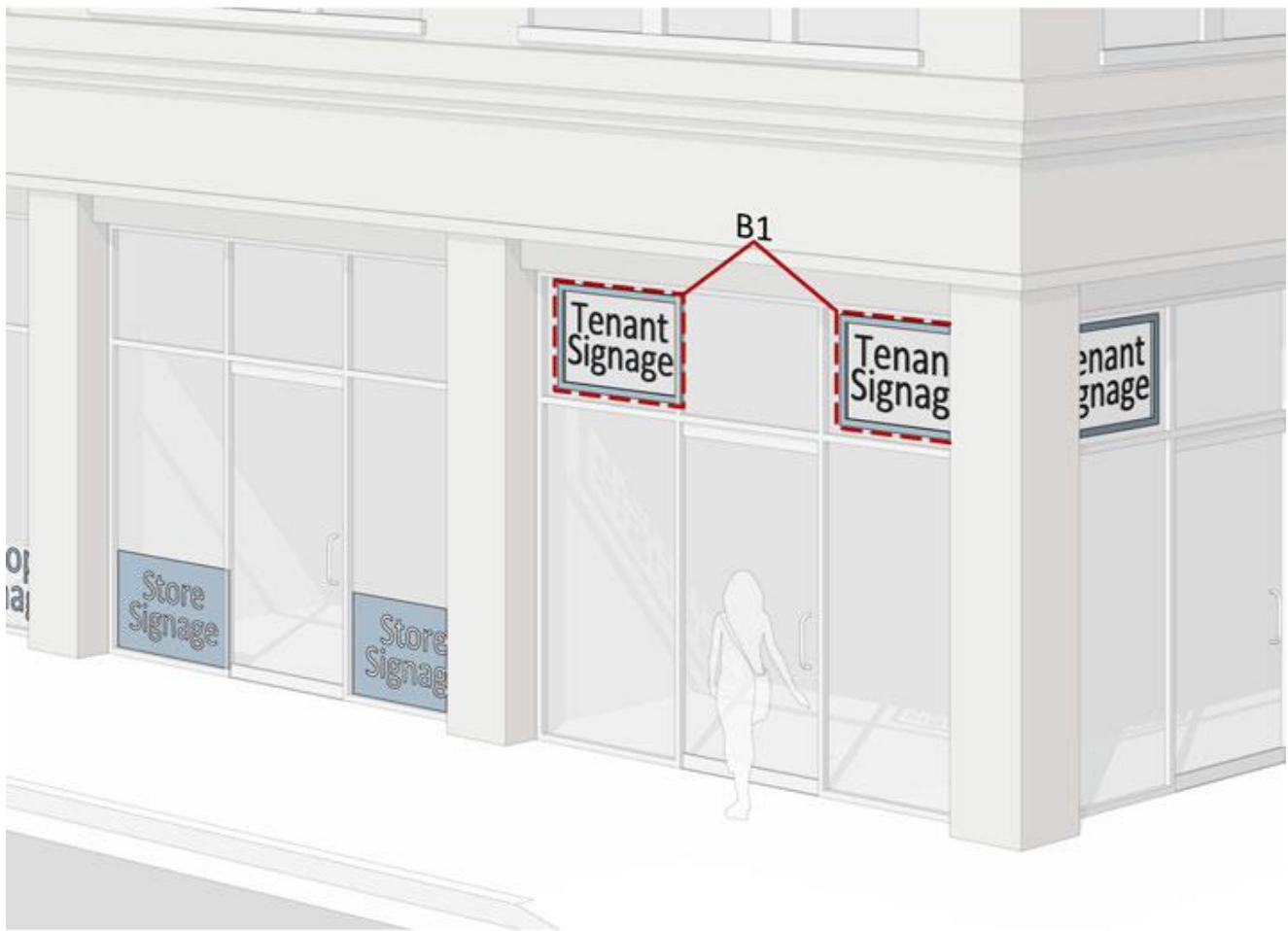
C1	Signs per business (max per street frontage)	1	C3	Projection from wall (max)	5'
C2	Clear height (min)	9'	C4	Distance from curb (min)	18"

D. Frontage Standards

D1	Ground story: Sign area per sign face (max)	40 sf	D1	Upper story: Sign area per sign face (max)	72 sf
D2	Ground story: Height (max)	8'	D4	Upper story: Height (max)	12'

E. Miscellaneous

- Projecting signs erected at the intersection of building corners when the building corner adjoins the intersection of two streets may intersect at a 45 degree angle to the corner of the building, in which case only one projecting sign is allowed.
- No projecting sign is allowed to extend above the roof line or the parapet wall.
- Buildings with two or more stories may not have a projecting sign located higher than the second story or 24 feet, whichever is less.
- The Historic District Commission may modify the provisions of the sign area for an individual building within the Historic Overlay District, if necessary, to keep with the historic design of the building.

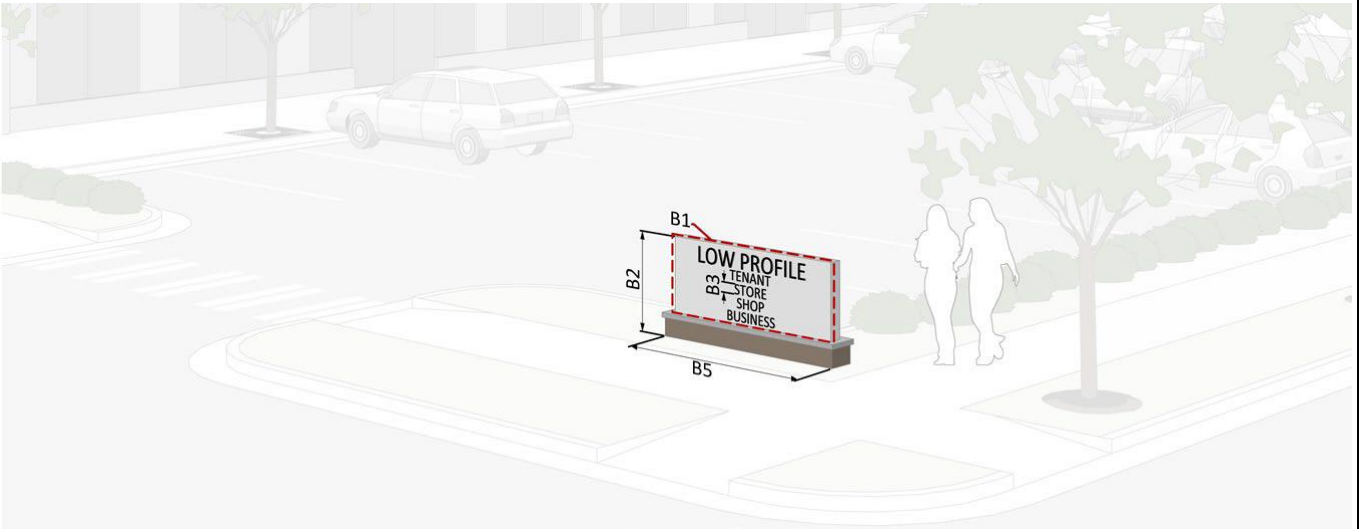


A. Description

A window sign is an on-premise sign attached flat but parallel to the inside of a window or is within twelve (12) inches of the inside of the window. A sign permit is not required.

B. Size

B1	Area per business (max combination of all windows covered by window signs)	30%	B2	Window signs may only cover 5% of window area between 4 and 7 feet above the adjacent sidewalk
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**A. Description**

A freestanding sign no more than 3½ feet in height on a supporting structure, post, mast, or pole and not attached, supported or suspended to or from any building or structure. The calculation for allowable sign area shall be for a single side of the freestanding sign. A sign permit is required for a ground sign.

B. Size

B1	Area (max)	70 sf	B3	Size of copy (min)	4"
B2	Height (max)	5'	B4	Lines of copy (max)	5

C. Location

C1	Signs per site	1	C3	Setback	10'
C2	Street frontage required (min)	n/a			

D. Miscellaneous

1. All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

**A. Description**

A freestanding sign no more than 70 square feet in area erected on a supporting structure, mast, post, or pole not more than 15 feet in height; or a freestanding sign no more than 100 feet in area erected on a supporting structure, mast, post, or pole not more than 10 feet in height. A ground sign is not attached, supported or suspended to or from any building or structure. The calculation for allowable sign area shall be for a single side of the freestanding sign. A sign permit issued is required for a ground sign.

B. Size

B1	Option 1: Area (max)	70 sf	B3	Option 2: Area (max)	100 sf
B2	Option 1: Height (max)	15'	B4	Option 2: Height (max)	10'
B5	Size of copy (min)	4"	B6	Lines of copy (max)	6

C. Location

C1	Number of Signs per site (max)	1	C3	Setback	10'
C2	Street frontage required (min)	100'			

D. Miscellaneous

1. All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

**A. Description**

A freestanding sign no more than 100 sq ft in area erected on a supporting structure, mast, post, or pole not more than 25 feet in height not attached, supported or suspended to or from any building or structure. The calculation for allowable sign area shall be for a single side of the freestanding sign. A sign permit is required for a ground sign.

B. Size

B1	Area (max)	100 sf	B3	Size of copy (min)	4"
B2	Height (max)	25'	B4	Lines of copy (max)	6

C. Location

C1	Number of Signs per site (max)	1	C3	Street frontage required (min)	200'
C2	Additional signs for double frontage lots	SUP	C4	Setback	10'

D. Miscellaneous

1. All ground sign braces or uprights shall be self-supporting structures permanently attached to concrete foundations in or upon the ground.

**A. Description**

A freestanding ground sign identifying entry to a residential, commercial or mixed development or a nonresidential establishment in a residential district. A sign permit is required for a tract identification sign.

B. Size

B1	Copy Area (max)	16 sf	B4	Sign area (max)	160 sf
B2	Copy Height (max)	3.5'	B5	Sign height (max)	6'

C. Location

C1	Number of Signs per street frontage (max)	1	C3	Setback	10'
C2	Site with more than 400 ft street frontage	1 add			

D. Miscellaneous

- Identifying signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six feet in height, or, may be placed on a retaining wall greater than six feet in height provided that no part of the sign exceeds a height of five feet.

**A. Description**

A small, unlit, freestanding, on-site, portable ground sign that is displayed during business hours and removed when the business is closed. A-Frame (sandwich board) signs may be displayed by businesses to advertise information beyond identifying the name and location of the business. A sign permit is not required. Approval by the Historic District Commission is required if the business is located within the Historic Overlay District (HDO) through a Certificate of Appropriateness.

B. Size

B1	Sign area (max)	9 sf	B4	Sign height (max)	4'
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C. Location

C1	Distance from main pedestrian entrance (max)	10'	C3	Number per establishment (max)	1
C2	Clear pedestrian space	5'			

D. Miscellaneous

1. Sidewalk signs must not interfere with pedestrian travel or encroach upon the required accessible path.
2. Sidewalk signs may only be displayed during business hours and must be removed when the business is closed.
3. Signs must be made of wood or metal.

N. COMPUTATION OF SIGN AREA

For the purpose of determining the number of signs permitted, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit. Without limiting the generality of the above, a multi-sided sign shall be regarded as one sign.

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
3. Freestanding signs are typically two-sided therefore the surface area shall be computed by calculating each of the two sides independently to determine the maximum square footage allowed.
4. Generally, parcels and businesses are permitted to have both freestanding and wall mounted signs to the extent to which signs can be erected and maintained to be in full compliance with this ordinance. The area of these signs is calculated independently.

O. PERMANENT SIGNS NOT SUBJECT TO PERMIT REQUIREMENTS

The following permanent signs are allowed and are not subject to the permit requirements of this Ordinance, but are subject to all other applicable provisions of this Ordinance, including Historic District requirements for Certificates of Appropriateness as described in *Section 3.11, CERTIFICATE OF APPROPRIATENESS* of this Ordinance when located in the Historic District.

1. Non-illuminated signs not exceeding two (2) per lot and six (6) square feet each in area, bearing only property identification numbers and names, post office box numbers, and names of occupants of the premises.
2. Signs two (2) square feet in area posted on private property relating to private parking, warning the public against trespass or danger from animals.
3. Flags or insignia of any governmental or non-profit organization when not displayed in connection with commercial activity or promotion. One (1) flag (each) of the United States and of the State of North Carolina no larger than 100 square feet may be displayed in connection with a commercial activity without being subject to the permit requirements of this section.
4. Legal notices, identification and informational signs installed by governmental agencies authorized by the Town of Wallace.
5. Local traffic directional signs erected in the travel right of way by or on behalf of a governmental entity provided such signs are consistent with the Manual of Uniform Transportation Control Devices or Town's official wayfinding plan.
6. Memorial signs or tablets, and names and construction dates of buildings when cut into any masonry surface or when placed as a cast iron (or similar) plaque affixed to the building structure.
7. Signs not exceeding four (4) square feet and bearing no advertising matter directing and guiding traffic on multi-family or non-residential property.
8. In addition to the signs allowed in *Section 6.19(L), TRACT IDENTIFICATION SIGNS*, above, the owner, property manager, home owners association or residents association of a residential or multi-family development may install a community event bulletin board at each entrance to the development. A community event bulletin board shall not be located in the public right of way, nor shall it be located in such a way as to interfere with

lines of sight for vehicular traffic on, entering or exiting the public right of way. Each sign shall meet the following criteria: one unlighted, single-sided sign per entrance, 3' X 4' maximum dimensions, and 6' maximum installation height. The sign face (i.e., the single side of the sign on which information may be posted) shall be oriented toward traffic exiting the development, so that the sign face is not visible from the public right of way outside the subdivision or multi-family development it serves. Postings on the bulletin board shall be maintained in a neat and orderly condition and monitored by the home owner's association or property manager.

P. TEMPORARY SIGNS NOT SUBJECT TO PERMIT REQUIREMENTS

No temporary sign may be affixed, attached, or painted upon any utility pole, or upon any tree, rock, or other natural object. All temporary signs referring to commercial operations must include the name of the business entity sponsoring the sign and must be professionally printed. The following temporary signs are not subject to the permit requirements of this Ordinance but are otherwise subject to the requirements of this Ordinance except as specifically indicated herein:

1. Temporary real estate signs on lots of less than one (1) acre, a single sign on each street front. The sign shall not exceed four (4) square feet in area and may contain the message that the property is for sale, lease, or rent and the name, address, and phone number of the property owner or agent. For lots of one (1) acre or more acres in area, a sign not exceeding thirty-two (32) square feet in area may be displayed. Such signs must be located on the property but are not subject to the setback requirements.
2. Temporary real estate signs advertising an existing single family dwelling for sale or rent may use up to two (2) off site "pointer" signs not to exceed four (4) square feet in area and only displaying "for sale," "for rent," and either "by owner," or the logo of the agent. This type of sign is exempted from the provision requiring the business entity name.
3. Construction site identification signs identifying the project, the architect, engineer, contractor, funding sources and/or other individuals or firms involved with the construction, the intended use or name of the building, and the expected completion date. Not more than one (1) sign may be erected per site. The sign may not exceed four (4) square feet in area for single family or duplex construction, or thirty-two (32) square feet for multi-family or non-residential construction. The sign may not be erected prior to issuance of a Building Permit, and shall be removed within seven (7) days after of issuance of a Certificate of Occupancy for construction projects for which a Certificate of Occupancy will be issued or otherwise within seven (7) days of completion of the work. This section also applies to signs identifying renovation and/or maintenance work on an existing, developed site.
4. Yard or garage sale signs announcing yard or garage sales, provided they do not exceed two (2) signs and four (4) square feet in area per display surface, and are displayed not more than two (2) days prior to the event and are removed within twenty-four (24) hours of the event.
5. Temporary signs or banners announcing grand openings of new businesses only, which may be displayed for no more than thirty (30) consecutive days. There shall be no more than two (2) signs or banners for each business, such signs or banners shall not exceed thirty-two (32) square feet in area, and shall be affixed to the structure the business is located within or at the driveway access for the building.
6. Temporary political signs advertising candidates or issues, provided such signs do not exceed nine (9) square feet in area per display surface, are mounted on stakes, do not exceed three (3) feet in total height, are not erected more than forty-five (45) days before the date designated as election day, and are removed within seven (7) days after the election (in cases of run-off election, the political signs of the run-off candidates may remain until seven (7) days after the run-off election). Political signs may be located within the public right-of-way and setbacks provided that they do not intrude on the sight preservation triangle.

7. Banners or flags that are decorative or seasonal in nature or that are displayed in connection with the observance of holidays not to exceed three (3) per lot located in any zoning district. Banners or flags advertising special sale events of for-profit organizations are not covered by this section.
8. Advertising Flags are permitted within the Highway Business (HB) district or the Central Business (CB) district. No site shall contain more than three (3) Advertising Flags. Each Advertising Flag erected to a tether, pole, mast, building, or any structure shall be deemed to be a separate distinct sign. The maximum height of an Advertising Flag shall not exceed fifteen (15) feet. Advertising Flags are not permitting in the Historic Overlay District (HDO). Advertising Flags must be kept and remain in a good state of repair and shall be removed within seventy-two (72) hours upon damage or disrepair.
9. Directional or "pointer" signs for events. Any event may have up to off-site two (2) signs, not exceeding two (2) square feet each. Events do not have to meet the definition of "public event" in this ordinance to use this sign. The signs may be displayed for no more than one (1) twenty-four (24) hour period only that coincides with the event. Town of Wallace sponsored events are exempt from these regulations.

Q. TEMPORARY SIGNS SUBJECT TO PERMIT REQUIREMENTS

The following temporary signs are subject to the permit requirements of this Ordinance and are subject to Historic District requirements for Certificates of Appropriateness as described in *Section 3.11, CERTIFICATE OF APPROPRIATENESS* when located in the Historic District.

1. Announcements of public events as defined by this ordinance taking place within the Town or its extraterritorial jurisdiction may be permitted subject to the following standards. If an event that otherwise meets the definition occurs monthly or more frequently, the event does not qualify for the signage allowed in this section. Town of Wallace sponsored events are exempt from these regulations.
 - (a) The event is sponsored by a non-profit, unit of state or local government, or formal association of merchants. For the purposes of this section, the entity that wishes to qualify may be requested to provide documentation of their status as an association, or organization by the Planning Director.
 - (b) Signs may be erected no more than fourteen (14) days prior to the event and shall be removed no later than forty-eight (48) hours after the event has concluded. For any event lasting more than two (2) days, signs may not be displayed for more than seventeen (17) days.
 - (c) No event shall display more than one hundred (100) square feet of off-site signage.
 - (d) No event shall display more than twelve (12) signs, as detailed below. The Planning Director will issue a Zoning Compliance Permit detailing the approved sign number, size, and locations.
 - i. Two (2) signs may be located on the lot hosting the event for the same display period. These signs may be banners if they are securely fastened and adequately vented to not pose a threat to traffic. A combination of these signs shall be no larger than sixty-four (64) square feet.
 - ii. One (1) sign may be a banner posted as per *Section 3.18(Q)(2)* detailed below. No event is required to have a banner. If an event decides to not use a banner, the total number of signs permitted is reduced to eleven (11).
 - iii. Nine (9) off-site signs, displayed in different locations, may be located in the public right of way, but not in a driveway or intersection sight triangle. These signs must be of rigid construction (not banners) and a single side may not exceed eight (8) square feet. The sign locations must be included in the permit application materials.
2. Banners advertising public events, as defined by this ordinance, may only be installed at the Town of Wallace sponsored and approved locations. The Planning Director shall issue a Zoning Compliance Permit for each banner on a first come, first served basis. The Planning Director will resolve any overlapping requests for banner displays. Banners that are part of a public event sign package authorized in *Section 6.19(Q)(1)* shall be

displayed for a time period matching the other event signage. Otherwise the display period shall not exceed 14 days. Banners shall conform to written standards and safety guidelines as established by the Planning Director.

R. PROHIBITED SIGNS & PROHIBITED CHARACTERISTICS

1. Temporary signs, both new and existing, other than those expressly allowed in this Ordinance, are prohibited.
2. Devices consisting of flags other than those exempted by *Section 6.19(P)(7)* or *Section 6.19(P)(8)*, banners, streamers, pennants, windblown propellers, balloons, strung light bulbs, flashing lights, rotating lights, strobe lights, fluorescent lights, rotating or other moving or apparently moving installations, are prohibited.
3. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure to minimize the danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
4. Any sign(s) placed on any curb, sidewalk, post pole, utility pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, right-of-way, property or thoroughfare, unless authorized by the Town Council or by another section of this ordinance, are prohibited.
5. Any sign which pertains to a business, profession, commodity, or service which is vacant, unoccupied, or discontinued for a portion of 120 days or more; any part of a sign which is unused for a period of 120 days or more; or any sign which pertains to an event or purpose which no longer applies shall be deemed abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner or tenant of the property.
6. Mobile-style marquee signs are prohibited in all districts.
7. All non-exempt signs shall comply with the construction requirements of the North Carolina State Building Code. Trailer mounted signs do not meet these requirements.
8. Any sign unlawfully erected or maintained.

S. TRAFFIC SAFETY PRECAUTIONS

Notwithstanding any other provisions in this Ordinance, the following practices in relation to signs are prohibited in order to preserve the safety of pedestrian and vehicular movement:

1. No part of any permanent sign may intrude into the sight preservation triangle.
2. Any sign which the Planning Director determines obstructs the view of any pedestrian, bicyclist, or motorists using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal.
3. No privately owned sign shall use words such as "stop", "slow", "caution", "danger", or similar admonitions in a format or manner which could be confused with traffic directional signs erected by government agencies.
4. No sign shall be erected which, by its location, color, nature, or message, might be confused with or obstruct the view of traffic signals or signs or might be confused with the warning lights of an emergency or public safety vehicle.

T. RESTRICTIONS ON ILLUMINATION

Unless otherwise prohibited by this chapter, signs may be illuminated only in accordance with this section. All illuminated signs allowed by this Ordinance must also comply with duly adopted regulations regarding light emissions as described in *Section 6.11, LIGHTING*. Notwithstanding the foregoing, internally illuminated signs are prohibited in the Historic District.

1. Directional lighting fixtures used for sign lighting shall be top mounted so lighting is aimed down. Ground mounted signs with a height of eight (8) feet or less may be ground lit, provided that the lights are shielded so as to illuminate the sign only, and the light shall not exceed ten (10) foot candles at the sign surface.
2. No illuminated signs are allowed in any residential zoning district, except signs at the entrance to a residential subdivision, neighborhood or multi-family development allowed by *Section 6.19(L), TRACT IDENTIFICATION SIGNS* above may be illuminated.
3. Freestanding signs and window signs may not be illuminated when the business is closed. Those signs advertising multiple businesses may not be illuminated when all the businesses advertised are closed.
4. Lighting directed toward a sign shall be shielded so that it illuminates on the face of the sign and does not shine directly into a public right-of-way or residential premises.
5. Subject to *Section 6.19(T)(7)* illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
6. Subject to *Section 6.19(T)(7)* no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.
7. *Sections 6.19(T)(5) and 6.19(T)(6)* do not apply to temporary signs erected in connection with observance of holidays.
8. Within the Historic District, neon signs shall not be permitted. For purposes of this subsection, the term “neon sign” includes all signs in which illuminated tubing constitutes or forms all or part of the message of the sign, as well as signs in which the message area of the sign is outlined, underlined, or otherwise highlighted by illuminated tubing.

U. ELECTRONIC SIGNS & ELECTRONIC MESSAGE BOARDS

1. **Electronic Time, Date, Temperature Sign**
An electronic time, date and temperature sign may be applied to a freestanding or attached sign of any permitted nonresidential use. An electronic time, date, and temperature sign shall not be included in the calculation of sign area permitted.
2. **Electronic Message Board Sign**
Electronic Message Board Signs shall be allowed in all nonresidential zoning districts. A development may have either attached or freestanding Electronic Message Board signage, but not both, unless otherwise provided for in this ordinance. The following conditions shall apply to Electronic Message Board Signs:
 - (a) **Calculation of Area.** An Electronic Message Board Sign which is included within a larger sign shall be included in the calculation of the total permitted sign area.
 - (b) **Changes Per Day.**
 - i. Signs shall have a maximum change rate of every five (5) seconds;
 - ii. Signs may use various form of transitions between messages, however, signs may not scroll or flash.
 - (c) All Electronic Message Board Signs in place prior to the adoption of this ordinance must comply with *Subsection (b), Changes per Day.*

(d) Attached Signs. Attached Electronic Message Board Signs shall have a maximum area of thirty-six (36) square feet, unless otherwise provided for in this ordinance.

(e) Area Bonus. Signs six (6) feet in height and lower containing electronic messages shall be allowed a ten (10) percent increase in maximum sign area.

V. BILLBOARDS/OFF-PREMISE SIGNS

No Billboards or off-premise signs are allowed except as provided under the standards set forth in *Section 4.6(B), BILLBOARD OVERLAY DISTRICT (BDO)* and standards set forth in *Section 5.2(C), BILLBOARDS*.

W. NONCONFORMING SIGNS

1. Nonconforming signs, because of their location, design, height and other features, detract from the quality of life and sense of place Wallace seeks to achieve and maintain. Therefore, it is the intent of this Ordinance that all nonconforming signs will eventually be brought into conformity with its provisions, and that nonconforming signs will ultimately be phased out of existence.
2. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered, nor may any illumination be added to any nonconforming sign.
3. A nonconforming sign structure may not be moved, replaced, or otherwise changed except to bring the sign into complete conformity with this Ordinance. The message contained on the sign may be changed provided that no change is made to the sign structure, and the sign area and dimensions are not changed.
4. If a nonconforming sign is damaged to an extent equal to or greater than 50% of the sign replacement cost (new) or destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land.
5. If the owner or occupant of premises with of a nonconforming sign discontinues operations for a period of 90 consecutive days, then the owner shall remove the nonconforming sign and the sign structure shall be cleared from the land.

X. REMOVAL OF NONCONFORMING SIGNS

1. Any non-exempt temporary sign on private property must be removed within thirty (30) days of the receipt by the property owner of the written notice from the Planning Director detailing the nonconformity.
2. Any temporary sign, either exempt or nonconforming, located within the public right-of-way may be removed by town staff if such sign is determined to be in violation of this Ordinance. Persons or businesses who repeat violations of this provision twice within any thirty (30) day period may be subject to escalating fines as described in Section 8, Enforcement.

Y. SIGNAGE FOR MULTI-TENANT DEVELOPMENTS

1. Upon application for a multi-tenant development, the owner shall submit a sign allocation plan that indicates how square footage will be shared among tenants. Different tenants may be advertised on a single sign attached to the same main sign structure. No tenant listing can be in print smaller than 6 inches tall. The total allocation of sign area shall be divided (but not necessarily equally) between tenants and shall not exceed 150 square feet of total sign area and shall not exceed a height of thirty (30) feet. All other regulations for a high profile sign (*Section 6.19(K): HIGH PROFILE SIGNS*) are to be followed.
2. Outparcels within a multi-tenant development (lots owned by entities other than the multi-tenant development) may install freestanding signs along the public road or private access drive to which they have

driveway access. For the purposes of determining sign specifications, a private access drive shall be treated as a public road for determining setback, height, and size of sign. A freestanding sign may only be installed oriented toward a street or access drive that the outparcel has driveway access to.

Z. INTERNAL WAYFINDING

Multi-tenant developments with 2 or more access points or 3 or more buildings shall develop and install an internal wayfinding sign program with components for both drivers and pedestrians. Such signage may also be developed and installed for non-residential developments with 2 or more access point or 3 or more buildings. A unified sign plan must be submitted and approved before the signs are installed, showing that the signs comply with location, lighting, construction, and height limitations of this section. Individual wayfinding signs do not count toward development or tenant signage and will be permitted on a single Zoning Compliance Permit. Internal wayfinding signage must be at least 50 feet from the right of way of the street providing site access and must be oriented toward on-site traffic flow.

AA. INSTITUTIONAL SIGNS

Signs erected by schools, churches, hospitals, governmental buildings, and other institutions are permitted in all districts, but the size, type and other regulations are limited according to *Table 6.19.1, SIGNS ALLOWED BY DISTRICT* above. A sign permit is required for all types of intuitional signs.

6.20 STORMWATER ORDINANCE

A. GENERAL POLICY:

It shall be the policy of the Town of Wallace to require that all new developed land, which results in greater than 30 percent impervious area or greater than 15,000 square feet of impervious area, and redeveloped land which results in additional impervious area resulting in greater than 30 percent within its jurisdiction have sufficient stormwater management controls in place so as to ensure the adequate protection of life and property. To this end, as a minimum, new developed land, with greater than 30 percent or 15,000 square feet of impervious area and redeveloped land which results in additional impervious area resulting in greater than 30 percent within the jurisdiction of the Town shall provide stormwater controls capable of managing after-development runoff from a ten-year storm, so that the on-site effects of development are the same or better than the predevelopment state. The requirements of this ordinance shall be construed consistently with the requirements of the State of North Carolina for controlling stormwater quantity and quality. Where the requirements of this chapter are in conflict with the rules and regulations of the State of North Carolina, the more stringent or higher requirements shall govern.

B. PURPOSE:

The purpose of this section is to protect and promote the public health, safety and general welfare, and to safeguard the natural and manmade resources of the town by regulating stormwater runoff. This purpose is accomplished by imposing conditions and requirements upon existing and proposed development activities, and by establishing procedures by which these requirements and conditions are to be administered and enforced.

C. OBJECTIVES:

The objectives of this article are to:

1. Establish the town's stormwater management program;
2. Identify areas prone to flooding;
3. Prevent the creation of new flood prone areas;
4. Reduce the discharge of pollutants to the maximum extend practicable by controlling stormwater discharge rates and encouraging the use of best management practices, structural and/or nonstructural stormwater quantity and quality control measures and other provisions;
5. Reduce erosion associated with stormwater runoff;
6. Provide the inspection and proper maintenance of structural and nonstructural stormwater facilities;
7. Prohibit non-stormwater discharges and require the removal of illicit discharges;

8. Prevent improper disposal of materials that degrade water quality;
9. Permit sampling and monitoring for pollutants such as those associated with illicit discharges, improper disposal, industrial and construction activities, and the application of pesticides and fertilizers.
10. Provide for the enforcement of the town's stormwater management program.

D. POLICIES

1. TOWN'S ROLE

The town has a role in the management of stormwater through authorization, planning, construction, operation and maintenance of facilities to reduce the adverse effects of stormwater runoff and to satisfy state and federal statutes and regulations.

2. PROPERTY OWNER RESPONSIBILITY

- (a) It shall be the responsibility of individual property owners of developed or undeveloped land within the town jurisdictional limits, to maintain stormwater conveyance facilities, such as waterways, streams, creeks, ditches, swales, channels, canals, conduits and culverts, and stormwater control facilities, such as ponds and lakes within their property. Where conditions of existing stormwater facilities are determined to be deficient, either intentional or due to a natural occurrence, and creates a public nuisance, and the property owner fails to correct the deficiencies after being notified by the town, the town may arrange for the deficiencies to be corrected and recover all costs thereto from the property owner. However, the recovery of costs from property owners is subject to appeal as described in *Section 3.10, APPEAL*.
- (b) In the event a property owner wishes to install pipe in an open ditch or drainage swale it is the responsibility of the property owner to obtain written approval from the town. The property owner shall provide a sketch or drawing showing the location, length, and size of the proposed pipe installation. The minimum pipe size shall be fifteen (15) inches unless approved by town. The town reserves the right to require the property owner to obtain a professional engineer to properly size the proposed pipe.
- (c) The property owner shall record, with the Duplin County Register of Deeds, an easement over all storm water transportation and retention/detention facilities, sufficient to provide maintenance of the facilities. A copy of the recorded easement shall be provided to the town.

3. NEW DEVELOPMENT

It is the policy of the town that all developable land within the town jurisdictional limits, to be developed, which results in more than 30 percent or greater than 15,000 square feet of impervious area shall have sufficient stormwater management controls to provide adequate protection of life, property and natural resources. To this end, as a minimum, all land disturbing activity subject to this article, shall provide sufficient management of post-development runoff from the ten-year (10) frequency storm such that the discharge rates of post-development stormwater runoff do not exceed the pre-development rates from the ten-year(10) frequency storm. Residential lots of record as of the effective date of this ordinance are exempt from the requirements of this ordinance.

4. REDEVELOPMENT

It is the policy of the town that all nonresidential lots of record, as of the effective date of this ordinance, within the town jurisdictional limits to be redeveloped are not required to provide stormwater management controls for the site, if the impervious area is not increased. If the impervious area is increased and results in greater than 30 percent impervious area, stormwater management controls shall be provided in order to better provide protection of life, property and natural resources. To this end, as a minimum any redevelopment activity which requires stormwater management controls, subject to this article, shall provide sufficient management of post-redevelopment runoff from the ten-year (10) frequency storm such that the discharge rate of post-redevelopment stormwater runoff does not exceed the predevelopment rates from the ten-year (10) frequency storm. Redevelopment of residential lots of record, as of the effective date of this ordinance, are exempt from the requirements of this ordinance.

5. LIMITATIONS OF ARTICLE

This article does not imply that properties within the jurisdictional area shall always be free from flooding or flood damage, surface water stagnation or non-point source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be cost-effectively constructed. Nothing in this article shall create additional duties on the part of the town or hold the town liable for any damages incurred in a flood or from adverse water quality due to stormwater runoff. Nothing in this article shall waive the town's immunity or defenses under state law or reduce the need or necessity for flood insurance.

6. CONSISTENCY WITH TOWN, STATE, FEDERAL RULES AND REGULATIONS

The requirements of this article shall be enacted, administered and enforced consistently with the requirements of the town, the state and the federal government for controlling stormwater quality and quantity. If the requirements of this article are found to conflict with other rules and regulations of the town, the state or the federal government, the more stringent or higher requirements shall govern.

E. DEVELOPMENT

1. CONFORMANCE WITH ARTICLE

Stormwater runoff measures for new development shall be designed, constructed and maintained by the owner of the property in accordance with the provisions of this article.

2. APPLICABILITY

- (a) Any new development activity that will result in more than thirty (30) percent or greater than 15,000 square feet of impervious surface area on any site, including subdivisions, other than a single-family residence in any development not regulated by the town subdivision ordinance, is required to obtain a written permit-to-construct from the town. Residential lots of record as of the effective date of this ordinance are exempt from the requirements of this ordinance.
- (b) Any redevelopment activity that will not result in additional impervious surface area is not required to obtain a written permit-to-construct from the town. If the redevelopment activity results in additional impervious area and the total impervious area is greater than 30 percent, a written permit-to-construct is required from the town. The relocation of impervious surfaces will be allowed within the project. Residential lots of record as of the effective date of this ordinance are exempt from the requirements of this ordinance.
- (c) No land disturbing activity may begin on a site meeting the requirements of subsections (a) and (b) of this section until the provisions of this article have been satisfied and the town has issued an authorization-to-construct for the land disturbing activity.
- (d) Whenever a site is redeveloped as set forth in subsection (b) of this section, stormwater management shall be provided in accordance with the provisions the redevelopment sections of this article for the entire site. When a building site is redeveloped, or completely replaced, then the new impervious area and remaining existing impervious area shall be the total impervious area after redevelopment.
- (e) All projects subject to the provisions of this article shall require the issuance of a permit-to-construct by the town following approval of construction plans for subdivisions and before receiving building permits for non-subdivision projects.
- (f) The construction of single-family residences on single-family lots of record on the effective date of the ordinance from which this article is derived shall be exempt from this article.

3. DUTY AND RESPONSIBILITY OF PROPERTY OWNER

It shall be the duty and responsibility of all property owners, in order to abate and prevent nuisances resulting from improper drainage, to provide at their own expense a proper and adequate drainage system of their respective premises in accordance with the provisions of this article.

4. APPLICATION FOR PERMIT-TO-CONSTRUCT

A person desiring to develop or redevelop land subject to the provisions of this article shall request a permit-to-construct by submitting a completed application form, application fee, supporting documents and certifications to the town. Upon finding that the request is consistent with the provisions of the ordinance from which this article is derived, the town will issue a permit-to-construct.

- (a) Application form. The application form for a permit-to construct may be obtained from the town.
- (b) Application fees. Application fees shall be based on a fee schedule approved by the town council.
- (c) Supporting documents. Supporting documents shall be submitted with this application. The supporting documents shall consist of the following:
 - i. Narrative statement which describes the proposed development;
 - ii. Copy of deed(s);
 - iii. Two sets of plans which show the existing site conditions and the proposed site improvements;
 - iv. Calculations
 - v. Operation and maintenance plan.
- (d) Design professional's certification. The design professional preparing the plans, specifications and other supporting documents subject to the provisions of this article shall be responsible for preparing the plans, specifications and other supporting documents in accordance with the requirements of this article and sound engineering design. The design professional shall certify on the plans and the application that the proposed improvements shown on the plans have been designed in accordance with the ordinance from which this article is derived.
- (e) Owner certification. The owners of the property to be developed or redeveloped shall certify on the plan and the application the following:
 - i. Ownership of the property;
 - ii. Acceptance of responsibility to comply with the requirements of the town stormwater management ordinance;
 - iii. Project will be constructed in accordance with the plan and the requirements of the applicable ordinances and rules of the town, the state and the federal government; and
 - iv. Proposed stormwater management facilities will be constructed, operated, and maintained in accordance with the plan and the requirements of the applicable ordinances and rules of the town, the state and the federal government; and
 - v. Ownership and responsibility to operate and maintain proposed stormwater management facilities shall not be transferred from the owner without a written notification to the town within 30 days after the date of the transaction. The owner shall record a notice of issuance of the permit-to-construct in a format acceptable to the town.

5. TOWN REVIEW

The application and supporting documents shall be reviewed by the town. Upon satisfactory review of the application form and supporting documents whereby the town finds that the application and supporting documents are consistent with the requirements of the ordinance from which this article is derived, the town will issue a permit-to-construct. If no action is taken by the town within ninety (90) calendar days, after the submission of a complete application, the project will be deemed to have been approved and the town will immediately issue a permit-to-construct.

6. LIMITATION OF TOWN REVIEW

The review of the application and supporting documents by the town shall determine if the request submittal is complete and in accordance with the requirements of the ordinance from which this article is derived. Nothing in the review shall create additional duties on the part of the town that are the responsibilities of the owner and the design professional.

7. CONSTRUCTION PERMIT CONDITIONS

A permit-to-construct shall include the following conditions:

- (a) All other required local, state and federal permits will be obtained before starting work.

- (b) All construction will be in accordance with the permit-to-construct.
- (c) Modifications may be requested, but may not be constructed without the issuance of a revised permit-to-construct.
- (d) The owner shall arrange for adequate construction observation by a design professional who shall, upon project completion, certify to the completion of the work in accordance with the permit-to-construct.
- (e) The town may visit the project and observe the progress of the work. However, nothing in the visit and observation of the project shall create additional duties on the part of the town that are the responsibilities of the owner and the design professional.

8. CONSTRUCTION COMPLETION CERTIFICATIONS

Upon completion of the construction required by the permit-to-construct, the owner shall deliver to the town the design professional's certification. The design professional shall adequately observe the progress of the construction work required by the permit-to-construct. Upon the satisfactory completion of the work the design professional shall prepare a certification to the owner that the work required by the permit-to-construct has been completed.

9. FINAL PLAT AND/OR CERTIFICATE OF OCCUPANCY

The town shall not allow final plats to be recorded and certificates of occupancies to be issued for any projects until the town has accepted the construction completion certification, or until a surety in the form and amount acceptable to the town has been posted by the owner. A surety will not be accepted by the town until the town receives a certification by the design professional which indicates sufficient improvements have been completed which will adequately protect the proposed improvements. Certificates of occupancies cannot be issued until temporary and/or permanent drainage facilities have been installed and have been certified as being sufficient to protect the proposed improvements by the design professional. The surety is not to exceed 110 percent of the cost of the temporary and/or permanent facilities covered within this article and approved within the permit-to-construct.

10. OPERATION AND MAINTENANCE PROGRAM

The owner shall be responsible for the operation and maintenance of the stormwater facilities. If repairs are needed to the stormwater facilities, the owners of record, as ascertained from the county tax record or other public documents that the town staff may choose to examine, shall be responsible for making the repairs.

11. TRANSFER OF OWNERSHIP AUTHORIZATION FOR STORMWATER FACILITIES FALLING WITHIN COMMON AREAS OF A DEVELOPMENT

Ownership of stormwater facilities falling within the common areas of a development shall not be transferred without the written authorization of the town. The application form to transfer ownership may be obtained from the town attorney. The application fee for requesting authorization to change ownership shall be based on a fee schedule approved by the town board. The supporting documents shall include the following:

- (a) Existing deeds and easements;
- (b) Proposed deeds and easements;
- (c) Existing permit-to-construct, application and supporting documents;
- (d) Any previous completion certifications;
- (e) A certification from a design professional that the project has been inspected within the last 30 days and was found to be in compliance with the requirements of the permit-to-construct;
- (f) A certificate by the proposed owners that ownership of the stormwater facilities will be accepted by the proposed owner, if ownership transfer is authorized by the town. The proposed owner certification shall also state that the proposed owners will continue to operate and maintain the facilities in accordance with the conditions, obligations and duties of the permit-to-construct and the ordinance from which this article is derived.

12. TRANSFER OF OWNERSHIP OF STORMWATER FACILITIES NOT FALLING WITHIN COMMON AREAS OF A DEVELOPMENT

Ownership of stormwater facilities, including but not limited to: grassed swales, ditches and water-carrying devices, that fall within the deeded areas of an individual parcel or home site shall be transferred with the passing of a general warranty deed without the written authorization of the town. The deed restrictions are to state that the owner will continue to operate and maintain the facilities in accordance with the conditions, obligations and duties of the permit-to-construct and the ordinance from which this article is derived.

Acceptance of the general warranty deed shall be a certification that the proposed owners will continue to operate and maintain the facilities in accordance with the conditions, obligations and duties of the permit-to-construct and the ordinance from which this article is derived.

13. CREATION OF NON-COMPLIANCE PARCELS

If the subdivision of a parcel of land creates a sub parcel which would be out of compliance, with the requirements of this Ordinance, the owner shall construct the required stormwater facilities for the sub parcel, as required by this Ordinance.

F. ASSESSMENTS FOR REGIONAL PROJECTS

1. OWNERS MAY REQUEST ASSESSMENTS BE A LIEN

Property owners of single-family homes, townhouses and condominium properties can request that the town council approve a resolution that allows stormwater improvement costs to be assessed against the property as a lien.

2. TOWN COUNCIL TO DETERMINE IMPROVEMENTS

The town council shall determine which stormwater improvements shall be provided and the type of solution, either piping or non-piping, for the improvement. The council shall determine the amount of construction cost to be borne by the petitioners and the amount, if any, to be borne by the town.

3. RATE FOR ASSESSMENT FORMULA

Unless partially or completely funded by the town, the assessment formula for stormwater improvements shall be set at a rate that recovers 100 percent of the construction cost, including engineering, labor and materials.

4. INSTALLMENT PAYMENTS

The assessments shall be payable in equal installments. Such installments shall bear interest at a rate to be fixed in the assessment resolution not to exceed the annual rate allowed by law. Such interest shall begin from the date of confirmation of the assessment roll. Any such assessment may be paid in full in cash without the addition of interest within 30 days from the date of publication of the notice of the confirmation of the assessment roll. The first of the installments with interest thereon shall become due and payable 30 days after the publication of the notice herein above required to be published, and one subsequent installment with interest thereon shall be due and payable on the same day of the month until the assessments have been paid in full.

5. FUNDING OF PROJECTS BY TOWN

Property owners of single-family homes, townhouses and condominium properties existing at the effective date of this ordinance may also request that town council adopt a resolution providing that certain stormwater improvement projects be funded entirely by the town. Projects will be qualified relative to availability of budgeted funds and the town shall determine the type of stormwater improvement solution to be applied. Project eligibility for 100 percent funding shall be determined, based on criteria which includes, but is not limited to, the:

- (a) Degree that drainage is contributing to a public safety and/or health hazard;
- (b) Relative amount of public stormwater runoff being conveyed by drainage system;
- (c) Anticipated negative environmental impacts (required mitigation);
- (d) Consistency with an approved stormwater plan.

6. PROJECTS ON UNDERSIZED PARCELS

In the event a parcel, recorded prior to the effective date of this ordinance, would be deemed unusable as a result of the requirements of this ordinance, the owner may request authorization to make a cash payment to the town in accordance with the fee schedule, as approved by the Town Council, in place of the installation of the required storm water facilities.

G. RIGHT OF ENTRY

1. TOWN

The Town shall have right-of-entry on or upon the property of any person subject to this article and any construction permit issued under this article. The Town shall be provided ready access to all parts of the premises for the purposes of inspection monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this article.

2. ENTRY WHEN SECURITY MEASURES ARE IN FORCE

Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities.

3. RIGHT TO SET UP SAMPLING OR METERING DEVICES

The Town shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations as it applies to this article.

4. REMOVAL OF OBSTRUCTIONS

Any temporary or permanent obstruction which prohibits safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the Town. The costs of clearing such access shall be borne by the property owner.

5. INSPECTION TO ENSURE COMPLIANCE

The Town may inspect the facilities of any user to ensure compliance with this article. Such inspection shall be made with the consent of the owner, manager or signatory official. The Town may seek issuance of an administrative search warrant if such consent is refused.

H. ENFORCEMENT AND APPEALS

Any of the following violations of this Section and/or *Section 9.2, VIOLATIONS* shall be subject to the enforcement remedies and penalties provided by this ordinance and by state law.

1. CIVIL PENALTIES.

(a) ILLICIT CONNECTIONS. The procedures for notice of, removal of, and penalty for illicit connections shall be as follows:

- i. Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have thirty (30) days to remove the connection. If the connection has not been removed at the end of that time, the town may enter the property and take measures necessary to remove the connection and perform whatever cleanup or abatement is necessary. If the person fails to remove the connection in the time prescribed, the town may petition the superior court of justice for the issuance of an injunction to compel removal and payment. Immediate removal of the illicit connection shall be required if the town determines that the connection poses an imminent threat to public health.
- ii. If any person who previously has been found to have an illicit connection reconnects to the municipal separate storm sewer, he shall be assessed a civil penalty not to exceed \$5,000.00. The penalty shall increase by twenty-five (25) percent of the previous penalty amount for

every subsequent illicit connection made by the same person. The town shall consider the following criteria in determining the amount of the penalty:

- a. The degree and extent of the harm to the natural resources, the public health, or the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on groundwater or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
- h. The costs of enforcement to the town.

(b) IMPROPER DISPOSAL. The provisions for improper disposal of process wastewater, bulk sale substances, household products and yard waste are as follows:

- i. PROCESS WASTEWATER. Any person who is found to have improperly disposed of process wastewater to the municipal separate storm sewer shall be assessed a civil penalty not to exceed \$5,000.00. The town shall consider the following criteria in determining the amount of the penalty:
 - a. The degree and extent of the harm to the natural resources, the public health, or the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on groundwater or surface water quality or on air quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
 - h. The costs of enforcement to the town.
- ii. HOUSEHOLD PRODUCTS. Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for household, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the town to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed \$500.00. The town shall consider the following criteria in determining the amount of the civil penalty:
 - a. The degree and extent of the harm to the natural resources the public health, or the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on groundwater or surface water quality or on air quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
 - h. The costs of enforcement to the town.
- iii. YARD WASTE. Any person who is found to have improperly disposed of leaves, grass clippings or other yard wastes shall be assessed a civil penalty not to exceed \$500.00. The town shall consider the following criteria in determining the amount of the penalty:
 - a. The degree and extent of the harm to the natural resources, the public health, or the public or private property resulting from the violation;

- b. The duration and gravity of the violation;
 - c. The effect on groundwater or surface water quality or on air quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The prior record of the violator in complying or failing to comply with the stormwater quality management program; and
 - h. The costs of enforcement to the town.
- iv. REPEAT VIOLATION. If a person is found to be responsible for more than one instance of improper disposal, the penalty shall increase by twenty-five (25) percent of the previous penalty amount for each subsequent improper disposal. The penalties shall be additional to the cost of clean-up and abatement.
 - v. FAILURE TO REPORT. The penalty assessed for any of the violations listed in this section shall be increased by twenty-five (25) percent of the amount assessed for any spill not properly reported by the violator once he has knowledge of the violation.
 - vi. SUBSEQUENT PENALTIES. In the event there are subsequent penalties assessed by the state against the town for any person's improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system, such person shall be assessed by the equivalent amount of civil penalty.

2. PUBLIC NUISANCES.

- (a) NUISANCES. The following conditions shall constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and shall be public nuisances wherever such conditions may exist. The creation, maintenance or failure to abate any nuisance is hereby declared unlawful.
 - i. Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests.
 - ii. Any open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
 - iii. An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
 - iv. Any furniture, appliances, or metal products or any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
 - v. Any condition which blocks, hinders or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches or drains to the extent that the premises and upstream is not free from standing water.
- (b) NOTICE TO ABATE; EMERGENCY ABATEMENT BY TOWN. If any person shall violate the provisions of this article, it shall be the duty of the town to give notice to the owner or to any person in possession of the subject property, directing that all unlawful conditions existing upon the property be abated within ten (10) days from the date of such notice or within ten (10) days from the date of a final decision if appealed. If the town determines that the unlawful condition poses an imminent danger or peril to the public, then an authorized representative of the town may, without notice, proceed to abate the unlawful condition. The cost thereof shall be charged against the property as a lien collectible in the same manner as ad valorem taxes.
- (c) Abatement by town where owner fails to abate. Upon the failure of the owner or person in possession of any premises to abate within ten days any unlawful condition existing on the premises, it shall be

the duty of an authorized representative of the town to cause the removal and abatement of such unlawful condition.

3. REMEDIES.

Any or all of the procedures set forth in *Section 9.5, REMEDIES AND PENALTIES*, as well as, the following procedures may be used to enforce the provisions of this article:

(a) NOTIFICATION OF STATE ENFORCEMENT OFFICIALS.

- i. INDUSTRIAL AND RELATED FACILITIES. When the town discovers an apparent violation of an industrial or related facility's NPDES stormwater discharge permit, the town shall notify immediately the appropriate state officials.
- ii. CONSTRUCTION SITES. If the town discovers an apparent violation of the NPDES stormwater discharge permit required by the state for sites with land disturbing activity greater than five acres, he shall report immediately the violation to the appropriate state officials.
- iii. ABATEMENT. When the discharge from a facility interferes significantly with the municipal separate storm sewer, and the facility fails to take appropriate actions upon notification by the town, the town may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.

4. APPEAL HEARING

Refer to *Section 3.10, APPEAL*

I. ILLICIT DISCHARGES AND IMPROPER DISPOSAL

1. PROHIBITED DISCHARGES

(a) ILLICIT CONNECTIONS. Details concerning illicit connections shall be as follows:

- i. It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, lavatory, toilet, floor drain, shower, washing machine, bathtub or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including uncontaminated water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state and federal permits.
- ii. Plans for all public and private streets and utilities shall be submitted to the town for review. Construction of streets and utilities shall not start until a permit-to-construct has been issued. Work performed pursuant to a permit-to-construct shall be inspected and certified as complete to the town by the design professional.
- iii. It shall be unlawful to willfully or negligently injure, deface, mutilate, destroy, tamper or interfere with the town sewer system.

(b) LITTER AND REFUSE CONTROL. It shall be unlawful to throw, place or deposit any refuse in any street, public place, on any private property, or in any conveyance within the town, except in garbage receptacles. It shall be unlawful for any person to throw any garbage, refuse, grass, shrubbery, tree clippings, bottles, cans or containers of any kind upon the street rights-of way or any stormwater conveyance, or upon the private premises of another person without the permission of the owner or person in control of the premises, or upon any public property.

(c) ORGANIC WASTE. Details concerning organic waste shall be as follows:

- i. It shall be the duty of the property owner to keep piled leaves out of the gutter, inlet, catch-basin or side ditch.
- ii. It shall be unlawful to place stumps or any organic materials (organic topsoil not included) on any property, public or private, except in those specific public areas designated for such use by the town or on private property with the approval of the owner of the property.

- iii. It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, or any other yard wastes in any street, storm drain, stream, stormwater conveyance, or any other location where concentrated stormwater flows will wash such wastes into the storm sewers.
- iv. While maintaining adequate erosion control measures and compliance with federal and state wetland regulations, every owner and every person in possession of any premises across or through which any stream or open ditch runs, or on which any body of water is impounded shall keep the banks, bottoms and edges free and clear of all vegetation which might grow in, on or overhang into the water in such stream, ditch or other body of water and which thereby results in impeding the flow, creating stagnation, and/or impacting the water body's performance for water quantity or quality control.
- v. Every owner and every person in possession of any premises across or through which runs any stream or open ditch, or on which any body of water is impounded shall not apply fertilizer in excessive amounts in or around these areas so as to cause vegetative growth at a rate or in a manner that will cause or result in impeding the flow, creating stagnation and/or impacting the water body's performance for water quantity or quality control or at a rate that could be considered an illicit discharge or create problems of a similar nature off the site.
- vi. In the event of a declaration of a state of emergency by the town council, Section (A) c. "Organic waste" will be temporarily suspended.

2. HAZARDOUS SPILL RESPONSE

- (a) PURPOSE; AUTHORITY. The town shall have the authority to summarily abate, control and contain hazardous materials, which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The town shall have the authority with or without the owner's consent to enter public or private property to respond to such hazardous materials emergencies. The town shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials which are emitted into the environment.
- (b) RESPONSIBILITY; FEES, CHARGES. The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held financially liable for the response, control, containment, equipment and materials costs incurred by the town fire department during the emergency. Fire department cost shall be calculated using current Office of emergency Management schedule for hazardous material response. The property owner and/or person exercising control over such hazardous material may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. The town shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:
 - i. Informing fire department personnel of all matters pertaining to the incident;
 - ii. Supplying emergency response plan information for the site; or
 - iii. Supplying emergency response equipment, personnel and materials. The property owner and/or the person exercising control over the hazardous materials shall be responsible for the costs of abatement, control and containment of hazardous material responses or fire incidents involving hazardous material. Failure of the property owner and/or the person exercising control over the hazardous materials to pay the county for the charges shall give the town a right to levy a lien upon the land or the premises where the hazardous material emergency arose and the levy shall be collected in the same manner as unpaid taxes pursuant to the authority of state law.
- (c) Fire incidents involving hazardous materials. In fire incidents that involve hazardous materials or an exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations.

J. INDUSTRIAL AND RELATED ACTIVITIES

1. REVIEW OF STORMWATER POLLUTION PREVENTION PLANS.

The town may review the stormwater pollution prevention plans required under a facility's NPDES stormwater, discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

6.21 STREETS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the uniform construction of streets. Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town's drainage system.

B. APPLICABILITY

New streets will generally be dedicated to the town or NC Department of Transportation. Private streets are generally only permitted in minor subdivisions or within attached dwelling developments and are also regulated by this section.

C. DESIGN STANDARDS – PUBLIC STREETS

1. New public streets in the city limits must meet the Town of Wallace's Standard Specifications for Street Construction and Acceptance Procedures in the Checklist and Approval Requirements for Utility Projects.
2. Public streets in developments in the Town's extraterritorial zoning jurisdiction must be approved and accepted by the NC Department of Transportation.
3. Minimum right of way widths by public street type:
 - (a) Arterial Streets shall provide 100 feet of public right of way
 - (b) Collector Streets shall provide 70 feet of public right of way
 - (c) Local Streets shall provide 60 feet of public right of way
 - (d) Cul de sacs shall provide 50 feet of public right of way
4. Additional street right-of-way may be required in cases where underground public utilities, sidewalks, and drainage facilities cannot all be located within the minimum stated above.
5. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than sixty (60) degrees.
6. The proposed street layout shall be coordinated with the existing street system of the surrounding area. Where possible, proposed streets shall be the extension of existing streets. Modification of the existing grid pattern may be allowed to accommodate site topography.
7. To maximize connectivity for public safety and avoid the requirement for additional right of way width improvement and dedication, block lengths will generally not exceed 400 feet and there will be two points of access for any street containing 30 or more dwellings not equipped with individual sprinkler systems.
8. All permanent dead-end streets (as opposed to temporary dead-end streets or stubouts) shall be developed as cul-de-sacs in accordance with the standards set forth in the Fire Code. To avoid the requirement of additional right of way width improvement and dedication, dead-end streets may not exceed 400 feet in length.

9. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street.
10. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersection on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
11. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1000 feet.
12. The permit issuing authority may require the applicant to extend a right of way, build the street, and/or provide a temporary cul-de-sac in order to stub out streets that should be connected to existing or proposed streets outside the subdivision.

D. DESIGN STANDARDS - PRIVATE ROADS

1. Any private road within an attached dwelling or multi-family development must meet the design standards for town public streets.
2. Any private road within a minor residential subdivision must have a minimum right of way width of twenty feet which includes the travel way and associated drainage facilities. Any underground utilities may be located within the road right of way or a separate utility right of way.
3. A private road within a minor residential subdivision may be required to provide a right of way of fifty (50) feet if the land and lots are arranged to allow the potential conversion of the road to a public road. If the lot arrangement, surrounding development pattern, zoning, and existing town plans indicate conversion is unlikely, the permit issuing authority may allow a private road to reduce the right of way width to no less than 18 feet.
4. Lots for single family detached dwellings may be created with access to a private road provided that:
 - (a) No more than four (4) lots may have their sole access to the private road;
 - (b) A new private road shall not be an extension of any existing public or private road; and
 - (c) A new private road shall not be aligned with an existing public road in such a way as may interfere with any planned extension of the public road.
5. The intent of this subsection is primarily to allow the creation of not more than four (4) lots with frontage on a private road for single-family development. Therefore, the Town may not approve any project served by a private road authorized by this subsection in which one (1) or more of the lots thereby created is intended for:
 - (a) Two-family or multi-family residential use, or
 - (b) Any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences.
6. To ensure that the intent of this subsection is not subverted, the Town may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential development served by a private road be smaller than the permissible size of lots on which two-family or multifamily developments could be located, or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.
7. No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notation: "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Town of Wallace Unified Development Ordinance."

8. The recorded plat of any development that includes a private road shall clearly state that such road is a private road and must be accompanied by a private road maintenance agreement that is also recorded.

E. STREET NAMES AND SIGNS – PUBLIC AND PRIVATE STREETS

1. Names of streets which duplicate or can be confused with the names of existing streets within Duplin County, shall not be approved. New street names shall be reviewed and approved by Duplin County E-911 Addressing so as to avoid duplication and/or unnecessary confusion caused by similar street names.
2. Extensions of existing and named streets shall bear the name of such existing streets.
3. House numbering will be assigned by the Duplin County E-911 Addressing department in accordance with its policies. All structures must display current and correct 911-address as per Section 6.15.
4. Approved street name signs shall be erected by the applicant at the intersection of streets as specified in the Manual of Uniform Traffic Devices.

6.22 TREE PROTECTION STANDARDS

A. PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the preservation, maintenance, and protection of the tree coverage area. Preservation of the tree coverage area helps to reduce carbon emissions and decrease the urban “heat-island” effect.

B. APPLICABILITY

Every application for a Master Plan, site plan, grading plan, or Special Use Permit or any modification to any of the listed permit types shall provide a tree inventory and protection plan. This plan shall also be included in the grading plan of the construction drawings for any of the review types listed. Applicants submitting a grading plan as part of a Zoning Compliance Permit application where no building or structure is proposed shall also submit provide a tree inventory and protection plan.

C. REQUIREMENTS

1. Grading and tree protection plans shall indicate the limits of the area to be disturbed. This limit shall be marked in the field with tree protection fencing and signs and shall be verified by Planning Staff before grading work begins.
2. Tree inventories shall identify all canopy trees on site including the diameter (dbh) and species. Plans shall clearly indicate the trees to be removed and those to remain.
3. For sites exceeding 20 acres, the applicant may provide 100’ X 100’ sample survey areas for each separate undisturbed portion of the site containing an acre or more.
4. When an application only approves the installation of infrastructure for a site and the creation of lots for single family residential development, survey data is required within the disturbed areas of the site.
5. Applications shall clearly state, in table form:
 - (a) the number of canopy trees to be removed
 - (b) an estimate of the number of canopy trees being retained
 - (c) the number of trees 24” or greater dbh to be removed
 - (d) the percentage of tree cover area before development
 - (e) the percentage of tree cover area after development.

6. For each 24" or greater tree proposed for removal, the applicant shall indicate all design alternatives considered to allow the retention of the tree.
7. A tree protection plan will show the tree coverage area before development and shall indicate which method was used to calculate the tree coverage area.

D. STANDARDS

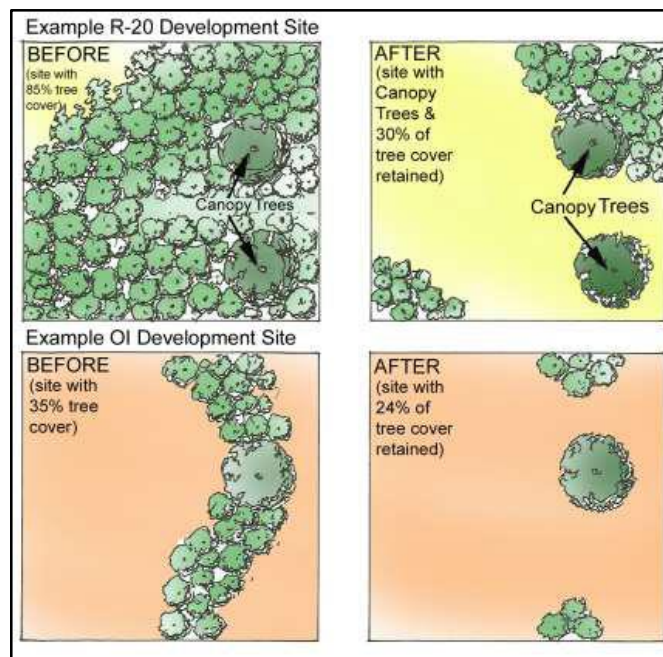
1. Applications shall clearly state the number of canopy trees to be removed, along with an estimate of the number being retained on site.
2. Applications shall also include a calculation of percentage of the site covered by tree coverage area before and after development.
 - (a) For sites with existing, pre-development tree coverage area that covers 25% or less of the site, it is expected that the developed condition of the site shall not reduce this percentage.
 - (b) For sites with existing, pre-development tree coverage area that covers more than 25% but less than 50% of the site, maintenance of the tree coverage area is required.
 - (c) For sites with existing pre-development tree coverage area that covers more than 50% of the site, some reduction of that percentage may be approved by the permit issuing authority.

E. PRIORITY TREE RETENTION AREAS

Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order from highest priority to lowest priority):

- (a) Areas containing canopy trees 24" dbh or greater and their critical root zones
- (b) Areas containing groups or stands of mature trees that provide important design, buffering, forest preservation, or wildlife functions.
- (c) Riparian buffers, wetlands, or wetland protection areas
- (d) Areas with a natural grade of 15% or more
- (e) Areas needed for required landscaping
- (f) Wildlife habitat or other sensitive natural areas.

Figure 6-11: TREE PROTECTION ZONE



E. PRIORITY TREE RETENTION AREAS

Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order from highest priority to lowest priority):

- (a) Areas containing canopy trees 24" dbh or greater and their critical root zones
- (b) Areas containing groups or stands of mature trees that provide important design, buffering, forest preservation, or wildlife functions.
- (c) Riparian buffers, wetlands, or wetland protection areas
- (d) Areas with a natural grade of 15% or more
- (e) Areas needed for required landscaping
- (f) Wildlife habitat or other sensitive natural areas.

F. REVEGETATION

1. If canopy trees are removed from an area not designated for removal on the approved grading plan, the applicant shall replant trees on an inch per inch basis based on caliper or trunk diameter the size of the removed canopy tree(s) elsewhere on the site, OR preserve an additional area on the site with comparable tree composition that is the same size as the area damaged. For example, if 6 canopy trees are improperly removed from a site, each with a 10" diameter trunk, 60" of new trees must be planted on site OR 60" worth of new canopy trees must be preserved on site.
2. Planted trees will be of a similar species, if available, and shall be a minimum of 2" caliper at time of planting.
3. If a site does not contain sufficient space to create healthy habitat for the needed replanting, the applicant may make a payment to the Town (to be used for planting by the Tree Board) in an amount equal to the cost of acquiring and planting the required trees OR may make the plantings elsewhere but within the development in which the site is located, if applicable.

6.23 WASTEWATER DISPOSAL

Plans for a proposed public or community sewage system shall be approved by the Public Works Director, Health Department, or Director of the Division of Environmental Management, whichever is appropriate.

On-site septic tanks shall be approved by the Duplin County Health Department and/or comply with other agencies and jurisdictions.

6.24 WATER SUPPLY

Plans for a proposed public or community water system shall be approved by the Public Works Director, Health Department, or Director of the Division of Environmental Management, whichever is appropriate.